

**ELEMENTARY AND SECONDARY
EDUCATION ACT REAUTHORIZATION:
ADDRESSING THE NEEDS OF DIVERSE STUDENTS**

HEARING

BEFORE THE

SUBCOMMITTEE ON EARLY CHILDHOOD,
ELEMENTARY AND SECONDARY EDUCATION

COMMITTEE ON

EDUCATION AND LABOR

U.S. HOUSE OF REPRESENTATIVES

ONE HUNDRED ELEVENTH CONGRESS

SECOND SESSION

HEARING HELD IN WASHINGTON, DC, MARCH 18, 2010

Serial No. 111-53

Printed for the use of the Committee on Education and Labor



Available on the Internet:

<http://www.gpoaccess.gov/congress/house/education/index.html>

U.S. GOVERNMENT PRINTING OFFICE

55-304 PDF

WASHINGTON : 2010

For sale by the Superintendent of Documents, U.S. Government Printing Office
Internet: bookstore.gpo.gov Phone: toll free (866) 512-1800; DC area (202) 512-1800
Fax: (202) 512-2104 Mail: Stop IDCC, Washington, DC 20402-0001

GEORGE MILLER, California, *Chairman*

Dale E. Kildee, Michigan, <i>Vice Chairman</i>	John Kline, Minnesota, <i>Senior Republican Member</i>
Donald M. Payne, New Jersey	Thomas E. Petri, Wisconsin
Robert E. Andrews, New Jersey	Howard P. "Buck" McKeon, California
Robert C. "Bobby" Scott, Virginia	Peter Hoekstra, Michigan
Lynn C. Woolsey, California	Michael N. Castle, Delaware
Rubén Hinojosa, Texas	Mark E. Souder, Indiana
Carolyn McCarthy, New York	Vernon J. Ehlers, Michigan
John F. Tierney, Massachusetts	Judy Biggert, Illinois
Dennis J. Kucinich, Ohio	Todd Russell Platts, Pennsylvania
David Wu, Oregon	Joe Wilson, South Carolina
Rush D. Holt, New Jersey	Cathy McMorris Rodgers, Washington
Susan A. Davis, California	Tom Price, Georgia
Raúl M. Grijalva, Arizona	Rob Bishop, Utah
Timothy H. Bishop, New York	Brett Guthrie, Kentucky
Joe Sestak, Pennsylvania	Bill Cassidy, Louisiana
David Loebsack, Iowa	Tom McClintock, California
Mazie Hirono, Hawaii	Duncan Hunter, California
Jason Altmire, Pennsylvania	David P. Roe, Tennessee
Phil Hare, Illinois	Glenn Thompson, Pennsylvania
Yvette D. Clarke, New York	
Joe Courtney, Connecticut	
Carol Shea-Porter, New Hampshire	
Marcia L. Fudge, Ohio	
Jared Polis, Colorado	
Paul Tonko, New York	
Pedro R. Pierluisi, Puerto Rico	
Gregorio Kilili Camacho Sablan, Northern Mariana Islands	
Dina Titus, Nevada	
Judy Chu, California	

Mark Zuckerman, *Staff Director*
Barrett Karr, *Minority Staff Director*

SUBCOMMITTEE ON EARLY CHILDHOOD,
ELEMENTARY AND SECONDARY EDUCATION

DALE E. KILDEE, Michigan, *Chairman*

Donald M. Payne, New Jersey	Michael N. Castle, Delaware, <i>Ranking Minority Member</i>
Robert C. "Bobby" Scott, Virginia	Thomas E. Petri, Wisconsin
Rush D. Holt, New Jersey	Peter Hoekstra, Michigan
Susan A. Davis, California	Mark E. Souder, Indiana
Raúl M. Grijalva, Arizona	Vernon J. Ehlers, Michigan
Joe Sestak, Pennsylvania	Judy Biggert, Illinois
David Loebsack, Iowa	Todd Russell Platts, Pennsylvania
Mazie Hirono, Hawaii	Cathy McMorris Rodgers, Washington
Jared Polis, Colorado	Rob Bishop, Utah
Pedro R. Pierluisi, Puerto Rico	Bill Cassidy, Louisiana
Gregorio Sablan, Northern Mariana Islands	Tom McClintock, California
Lynn C. Woolsey, California	Duncan Hunter, California
Rubén Hinojosa, Texas	
Dennis J. Kucinich, Ohio	
Jason Altmire, Pennsylvania	
Dina Titus, Nevada	
Judy Chu, California	

C O N T E N T S

	Page
Hearing held on March 18, 2010	1
Statement of Members:	
Castle, Hon. Michael N., Ranking Minority Member, Subcommittee on Early Childhood, Elementary and Secondary Education	3
Kildee, Hon. Dale E., Chairman, Subcommittee on Early Childhood, Ele- mentary and Secondary Education	1
Additional submission:	
Prepared statement of the Tribal Education Departments Na- tional Assembly	61
Miller, Hon. George, Chairman, Committee on Education and Labor, submission for the record:	
Letter, dated March 25, 2010, from the National Disability Rights Network (NDRN)	64
Statement of Witnesses:	
Curry, Dr. Daniel, superintendent, Lake Forest School District, Kent County, DE	36
Prepared statement of	38
Dale, Dr. Jack, superintendent, Fairfax County Public Schools, Fairfax, VA	40
Prepared statement of	41
Diaz, Arelis E., assistant superintendent of curriculum/instruction and human resources, Godwin Heights Public Schools	21
Prepared statement of	22
Gipp, Dr. David M., on behalf of the National Congress of American Indians and the National Indian Education Association	14
Prepared statement of	16
Kearns, Jacqui Farmer, Ed.D., Principal Investigator, National Alternate Assessment Center, U.S. Department of Education	26
Prepared statement of	28
Wotorson, Michael, executive director, Campaign for High School Equity .	7
Prepared statement of	9

**ELEMENTARY AND SECONDARY
EDUCATION ACT REAUTHORIZATION:
ADDRESSING THE NEEDS OF
DIVERSE STUDENTS**

**Thursday, March 18, 2009
U.S. House of Representatives
Subcommittee on Early Childhood,
Elementary and Secondary Education
Committee on Education and Labor
Washington, DC**

The subcommittee met, pursuant to call, at 10:00 a.m., in room 2175, Rayburn House Office Building, Hon. Dale Kildee [chairman of the subcommittee] presiding.

Present: Representatives Kildee, Scott, Davis, Loebsack, Polis, Pierluisi, Sablan, Hinojosa, Kucinich, Titus, Chu, Castle, Petri, Ehlers, Biggert, and Platts.

Staff present: Tylease Alli, Hearing Clerk; Jody Calemine, General Counsel; Jamie Fasteau, Senior Education Policy Advisor; David Hartzler, Systems Administrator; Fred Jones, Staff Assistant, Education; Sharon Lewis, Senior Disability Policy Advisor; Sadie Marshall, Chief Clerk; Ricardo Martinez, Policy Advisor, Subcommittee on Higher Education, Lifelong Learning and Competitiveness; Bryce McKibbin, Staff Assistant; Lillian Pace, Policy Advisor, Subcommittee on Early Childhood, Elementary and Secondary Education; Kristina Peterson, Einstein Fellow; Alexandria Ruiz, Staff Assistant; Melissa Salmanowitz, Press Secretary; Stephanie Arras, Legislative Assistant; James Bergeron, Deputy Director of Education and Human Services Policy; Kirk Boyle, General Counsel; Alexa Marrero, Communications Director; Susan Ross, Director of Education and Human Resources Policy; and Linda Stevens, Chief Clerk/Assistant to the General Counsel.

Chairman KILDEE [presiding]. A quorum being present, the hearing of the subcommittee will come to order. Pursuant to subcommittee rule 12(a), all members may submit an opening statement in writing, which will be made part of the permanent record.

I now recognize myself for an opening statement.

I want to welcome everyone to today's hearing, entitled "ESEA Reauthorization: Addressing the Needs of Diverse Students." We have been talking about this for many years. I can recall when we first coined the word "disaggregated data," and that word has been in our lexicon since.

The timing of this hearing is critically important, as we continue to review the administration's blueprint for ESEA reauthorization and work as a committee to reform our nation's primary K-12 education law. I hope today's discussion brings us one step closer to that goal.

The governor and I here have met regularly with the secretary of education and with some of the Senate leaders on this bill. This is a high priority. The governor and I have worked together many times on good education bills and look forward to this process.

I also want to thank our witnesses for taking the time out of their very busy schedules to inform this process. We can't do our jobs, really, without input from educators, advocates, and researchers who are working hard to help all children succeed.

Like many of my colleagues, I am pleased that we are embarking on another bipartisan reauthorization. I have participated in five reauthorizations of ESEA during my 34 years here in Congress and strongly believe that this next reauthorization is long overdue.

While the No Child Left Behind Act shed light on the inequalities in our education system, it unfortunately did not do enough to close the achievement gap for diverse students.

The federal government has a responsibility before all others to ensure equal opportunity. This must be a top priority for future steps in education reform. Just as our country grows increasingly diverse, we must ensure that our education system adapts to varying student needs.

By strengthening current programs for diverse students and investing in innovative strategies for closing the achievement gap, we have an opportunity to change the future course for millions of students.

It is very interesting when you look around our country today—and even at the time that I first entered politics—we find a cross-section basically of the world. You go to California, for example, and you find no majority ethnic group. And as a cross-section of the world, we should set an example for the rest of the world, how we can live together in peace and educational development.

So you have in your hands an enormous responsibility to make us become aware of our responsibility during this hearing today.

We must also explore ways to eliminate the system's inequalities, encouraging a more equitable distribution of resources, expanding access to rigorous curriculum in high-need communities, and providing incentives to improve the distribution of effective teachers.

As we continue to explore these ideas and many others that we will hear in the weeks and months to come, I hope we never lose sight of the opportunity we have before us. We must prepare to do what is right for all students, even if it requires a lot of work and significant change.

Today we will hear recommendations from a panel of educators, advocates, and a researcher working to close the achievement gap for diverse students. These panelists will help us better understand the challenges facing low-income minority students, English-language learners, students with disabilities, Native American students, and homeless students.

Given the importance of today's topic, I know our panel will give us a lot of thoughts to ponder over as we work across the aisle and

the capital to improve our education system. I look forward to your testimony.

It is my pleasure to yield 5 minutes or such time as he may consume to Governor Castle. Governor?

Mr. CASTLE. Thank you very much, Mr. Chairman.

I am very pleased also to be here and to welcome all the witnesses here today to what I think is an important hearing. I would like to thank you, Chairman Kildee, for holding today's hearing. This is a fourth in the current series, as I understand it, as the committee begins the process of reauthorizing the Elementary and Secondary Education Act.

I would also, obviously, like to thank all the people who come here today to listen to this testimony. I believe it is imperative that we examine all these issues thoroughly, particularly through this hearing process.

We began the process last Congress, and I am glad that today we are taking another look at our nation's diverse student populations, which includes students with disabilities, English-language learners, students in rural areas, Native American students, homeless students, and minority and ethnic students.

Addressing the needs of these students was the driving force behind the most recent overhaul of federal K-12 education policy, which Congress passed in 2001. Prior to that time, states and school districts were not required to report the academic achievement of these subgroups, and many schools were masking the lagging performance of these students with the test scores of their more affluent, higher performing students.

In 2001, we put these students front and center, and states and school districts all across the country have responded with innovative programs and practices to ensure that all students now have the opportunity to succeed academically, but it hasn't been easy. This new focus on diverse learners has presented significant challenges to states, school districts, and schools, who have struggled to make changes in teacher professional development, curriculum and instructional strategies to ensure diverse student populations have every opportunity to meet high academic standards, and that is why we are here today.

We owe it to these students to ensure that they receive the same high-quality education as their peers. But we also owe it to states and local areas to give them the tools necessary to educate students for the wide range of needs.

Current law was crafted under the guiding principle that all students can and deserve to learn, diverse student populations being no exception. As we begin rewriting ESEA this year, we cannot lose sight of this. I believe that our witnesses today will provide us with valuable information about the importance of and the challenges that states and school districts face in educating diverse student learners.

I hope to hear how educators at the state and local levels are working to ensure that special populations are receiving high-quality instruction that can lead to high academic achievement. I also want to hear that where there have been problems and challenges in the implementation of current law from the state, school district and school level.

Finally, I look forward to suggestions about how to reform ESEA to ensure that it accounts for the complexities that states, school districts and schools must address in educating diverse learners, especially how we ensure that they are properly assessed so that teachers and school administrators can develop appropriate strategies.

I hope today's hearing will help us understand these issues better, which are some of the most difficult and important ones facing us in current law and issues that must be considered carefully as we craft education reform policy this year.

I thank you again for joining us this Thursday morning, and I look forward to your testimony. And I yield back, Mr. Chairman.

Chairman KILDEE. Thank you very much, Governor.

Without objection, all members will have 14 calendar days to submit additional materials or questions for the hearing record.

Now I would like to introduce our very distinguished panel of witnesses here this morning. Michael Wotorson is the executive director of the Campaign for High School Equity, a partnership of 10 leading civil rights and educational organizations focused on high school education reform. Mr. Wotorson has spent his career advocating in support of educational equality and civil rights, working for more than 15 years as a researcher, advocate and policy analyst.

Prior to joining CHSE, Mr. Wotorson was national education director for the NAACP and has held numerous other positions, including at the Mid-Atlantic Equity Center Leadership Conference on Civil Rights Education Fund, Fair Employment Council of Greater Washington, and the Anti-Defamation League. Originally from Liberia, West Africa, Mr. Wotorson holds bachelor and master of arts degrees in political science from the University of Missouri-Columbia.

Our second witness is Dr. David Gipp, who is a citizen of the Standing Rock Sioux Tribe in North Dakota and has served as president of the United Tribes Technical College since 1977. United Tribes College serves over 1,100 adults and 500 children, with three early childhood centers and a K-8 elementary school.

Among other posts, President Gipp has served as an education adviser for the greater plains tribes on the Bureau of Indian Affairs Tribal and Advisory Budget Council, board member for the National Indian Education Association, executive director and past president and current board member of the American Indian Higher Education Consortium, and past chair and current board member of the American Indian College Fund.

He has also received numerous recognitions, including the North Dakota governor's service award, the National Indian Education Association's Indian educator of the year, and the North Dakota multicultural educator of the year. President Gipp was educated at the University of North Dakota and holds a doctorate in laws, honoris causa, from North Dakota State University for his contributions to tribal higher education.

I will now yield to my colleague, Congressman Ehlers, colleague and friend, who is voluntarily leaving the Congress. That is the best way to leave. Some leave involuntarily, but Vern has served well here.

I one time was—give me a minute here—I one time was asked by a reporter from his paper who was doing a little profile on him what I thought about Vern Ehlers, and I told the reporter that if we had more Vern Ehlers in the Congress, we could get things done around here rather than sitting around shouting at one another, and I still believe that today. He is a credit.

Mr. EHLERS. Thank you, Mr. Chairman, for those kind words, and the feeling is mutual.

I am very pleased to introduce my constituent, Arelis Diaz, who is the assistant superintendent of Godwin Heights Public Schools. This is a school district that serves approximately 2,200 preschool through 12th grade students in Wyoming, Michigan.

Now, you have to understand geography in Michigan. The city of Wyoming, which she is from, is about 10 miles west of Alaska. Another interesting quirk in my district is we have a harbor in my district, and it is located roughly one mile from Podunk, so—so we have great diversity in my particular district.

She has had academic success with diverse students, including English-language learners, which is a big deal in our area, because the nature of our district—the people are very generous, and we have received far more than our share of refugees from other countries. And that shows in our school districts that we have handled them very well, and she has had great success with that.

Prior to her current position, she was a principal and led North Godwin Elementary to be recognized as a high-performing school by the Just For Kids program at the Michigan Chamber Foundation. The school also recently received a Dispelling the Myth award by the Education Trust.

As a teacher for English-language learners, she was recognized by the Michigan education association for her work in promoting diversity. Arelis has also received the educational excellent award by the Michigan school boards association for her development of the Parents are Teachers English-language learners parent after school program. So you can see she has had experience in many different areas in dealing with non-English-speaking students.

Born as a first-generation American in Chicago to immigrant parents from the Dominican Republic and raised in Puerto Rico, Arelis now lives with her husband, Andre, and their three children in Byron Center, Michigan. I am pleased to introduce her to the committee.

Thank you.

Chairman KILDEE. Our fourth witness, Dr. Jacqui Kearns, serves as principal investigator for the federally funded National Alternate Assessment Center, which assists five states in developing validity evaluations for their alternate assessments on alternate achievement designs. She played a key role in the design and implementation of the first alternate assessment used in an accountability system as part of Kentucky's education reform act in the early 1990s.

Dr. Kearns also helped a number of states in the design, implementation and evaluation of alternate assessments after passage of the IDEA reauthorization in 1997. Dr. Kearns is a third-generation educator with 9 years of district classroom experience teaching students with significant cognitive disabilities. She is a parent of two

children, ages 7 and 4, one of whom was recently diagnosed with ADHD and is receiving service through response to intervention, RTI.

I will now yield to our committee's ranking member, Governor Castle, to introduce the final two witnesses.

Mr. CASTLE. Thank you, Mr. Chairman.

And happy to introduce our witnesses. First, there will be Dan Curry. Dr. Daniel Curry currently serves as the superintendent of Lake Forest School District in my home state of Delaware. The Lake Forest School District serves more than 3,700 students in southern Kent County, Delaware, 15 miles south of the capital of Dover.

Dr. Curry began his 36-year education career at a local elementary school in Pocahontas County, West Virginia, where he taught fourth and sixth grade before his first assignment as the principal at age 24. During his time in the county, he served as an elementary school principal, a middle school principle, and all-purpose central office administrator, and even drove a school bus on occasion, representing the dual roles that most educators play in small rural areas.

At age 34, he was named county superintendent, where he served for a total of 15 years. Dr. Curry has also worked in the West Virginia Department of Education. And he and I spent time together touring the Lake Forest people, I should say, at a school, and he is a wonderful tour guide, too, and everyone seems to like him greatly in the job he is doing.

Dr. Jake Dale is the current superintendent of Fairfax County Public Schools, the nation's 13th-largest school system. He has served as superintendent since July 2004. From 1996 until 2004, Dr. Dale served as superintendent for Frederick County public schools where, in his fourth year, he was named Maryland's superintendent of the year.

I would like to point out I have been in Congress for 18 years and nobody has ever named me the outstanding legislator of the year or anything like that.

Previously, Dr. Dale served as the associate superintendent for school administration, curriculum, and instruction at the Edmonds School District in Edmonds, Washington. He also served as director of personnel in the Everett, Washington, school district, assistant to the director at the Center for the Assessment of Administrative Performance at the University of Washington and director of school instructional services, assistant principal, and mathematics teacher in the Bellevue School District, Washington.

Dr. Dale is co-editor and author of the book "Creating Successful School Systems" and has conducted workshops on teacher compensation systems for No Child Left Behind initiatives. He has also published papers in the Executive Educator, International Journal of Education Reform, American Association of School Personnel Administrators, Research Brief and SIRS Management Information, all of which are publications we read up here on a regular basis, sort of tongue-in-cheek.

But I congratulate Dr. Dale on a wonderful career, as well, and we are delighted to have all the witnesses here today.

Chairman KILDEE. Thank you very much, Governor.

Before we begin, let me briefly explain our lighting system and the 5-minute rule. Everyone, including members of Congress, is limited to 5 minutes of presentation or questioning. The light is green when you begin to speak. When you see the yellow light, it means you have one minute remaining. When the light turns red, your time has expired and you need to conclude your testimony.

Please be certain as you testify to turn on and speak into the microphones in front of you. Don't worry, there is no ejection seat. So if you want to, you know, finish a thought, you don't have to cut it off in the middle of that.

So we will now hear from our first witness, Mr. Michael Wotorson.

**STATEMENT OF MICHAEL T.S. WOTORSON, EXECUTIVE
DIRECTOR, CAMPAIGN FOR HIGH SCHOOL EQUITY**

Mr. WOTORSON. Chairmen Kildee, Ranking Member Castle, and distinguished committee members, good morning and thank you for inviting me to testify. My name is Michael Wotorson, as was stated earlier, and I serve as the executive director for the Campaign for High School Equity.

I am here this morning not only representing the civil rights coalition that comprises our organization. I am here to speak on behalf of the over 18 million young people, students of color enrolled in public elementary and high schools in the U.S. I am also here on behalf of the over 1 million kids who choose to drop out of high school each year, often making that choice because they are forced to contend with ineffective construction, low academic standards not aligned to college and career readiness, and poor access to academic—to educational resources.

So my remarks today are going to be focused on the kinds of support that high school students, particularly students of color and Native students, need to graduate prepared for college work and life.

The reauthorization of ESEA presents a historic opportunity to build upon the promise and the achievements of the 2002 reauthorization known as No Child Left Behind, while remedying the defects that have limited the laws affecting this in eliminating educational inequities.

To be sure, NCLB was a step forward and greatly enhanced the potential for conditions prevent students of color to achieve to be removed, to be unhidden, particularly as faced by ethnic minorities and language minorities of low-income students and students with disabilities.

As a direct result of that 2002 legislation, the discussion and the notion of school accountability is much more widely accepted, and important attention is being paid to addressing achievement gaps, enhancing college and career readiness, and strengthening high school graduation rates for all students.

If we intend to improve America's schools, ESEA needs to be strengthened in many ways. For CHSE, this means expanding the focus on how we address the unique needs of high school students of color, Native students, and English-language learners. The pervasive and persistent inequities in our public education system puts students of color at a disproportionate disadvantage as they

continue to attend highly segregated schools, despite the decades-old *Brown v. Board* ruling.

To ensure access to equal educational opportunities and to reverse the graduation crisis among students of color, our system of education must challenge all students to meet the same high academic expectations. Indeed, in 2008, an American Council on Education report revealed that, counter to earlier trends, far too many of today's young Americans are realizing lower levels of educational attainment than in previous generations.

In years past, our economy allowed high school students to find meaningful employment without the requirement of significant education and training beyond high school. Today in the increasingly global economy, there is a demand that American students are prepared to compete with students from around the world. Unfortunately, most of our high school students do not measure up to their international peers.

It is critical, therefore, that as a society, we provide students with high-caliber, relevant academic coursework to adequately prepare them for the increasingly international post-high school reality of college and work.

Students who attend colleague without having mastered basic skills cost our nation over \$2 billion a year in remediation costs. Additionally, many employers today lament that high school graduates often do not have the skills necessary to be successful in the workplace.

Clearly, we need to restore the value of the high school diploma. To do so, we must align state academic standards to college and work readiness so that our nation's graduates leave high school prepared to be highly skilled employees and leaders of tomorrow.

At CHSE, we believe that the American education policy should prepare all students for this reality. And to do so, we believe ESEA should aim high and address critical needs of high school students through the following suggestions.

Number one, make all students proficient and prepared for college and work. We should guarantee as a minimum threshold that all students have access to rigorous and engaging coursework in core subjects.

Number two, hold high schools accountable for students' success. It is imperative that we hold high schools accountable for getting students successfully through to graduation by including meaningful graduation rates in federal school accountability standards.

We should also improve data systems as a critical component of a strong accountability system. As we all know, making decisions without the benefit of fully disaggregated data ignores the unique needs of students of color and ill prepares school administrators to allocate resources based on student and teacher needs.

For example, without fully disaggregated data, the needs of whole segments of Asian-American and Pacific Islander populations are often neglected and, as a result, entire groups of kids end up falling through the cracks.

Number three, fundamentally redesign the American high school. In order to address students' diverse needs, states and districts must provide their schools with the means to explore and implement new educational models, as well as other effective interven-

tions, such as literacy programs, personal graduation plans, and extended learning time.

Number four, provide students with excellent leaders and teachers. The federal government can support programs that establish incentives to recruit, train, support and retain effective leaders and teachers in high poverty high schools.

Number five, invest communities in students' success. The school environment is critical to student success, but we also know it is not the only factor that impacts a secondary school student's academic and social outcomes. Families and communities also play key roles.

Number six, provide equitable learning conditions for all students. Persistent disparities in the allocation of key education resources often bar low-income and minority students from receiving a high-quality education, a high-quality education that they so richly deserve, so resources must be distributed equitably, used effectively, and directed where they are needed the most.

I just want to say two quick things about our specific recommendation—or actually, three quick things about our recommendation. I am happy to answer questions later.

Number one, our policy should invest in interventions that work. Number three, our policy should adopt effective teaching policy strategies and make sure they are distributed equitably. And number three, we should make sure that we do, in fact, improve data systems for all students.

Thank you very much.

[The statement of Mr. Wotorson follows:]

Prepared Statement of Michael Wotorson, Executive Director, Campaign for High School Equity

Chairman Kildee, Ranking Member Castle, and distinguished Committee members, thank you for inviting me to testify today.

My name is Michael Wotorson and I serve as executive director of the Campaign for High School Equity, otherwise known as CHSE. CHSE is a coalition of leading civil rights organizations representing communities of color that is focused on high school education reform. Our goal is to advance solutions to close the achievement gap for students of color and Native students and to build public will and support among policymakers, advocates and community leaders for policies that will strengthen high school quality and graduation rates for minority and low-income students.

CHSE partners include the National Urban League, the National Council of La Raza, the National Association for the Advancement of Colored People, the Leadership Conference on Civil Rights Education Fund, the Mexican American Legal Defense and Educational Fund, the League of United Latin American Citizens, the National Association of Latino Elected and Appointed Officials Educational Fund, the Alliance for Excellent Education, the National Indian Education Association and the Southeast Asia Resource Action Center.

I am here today not only representing the nine national civil rights and education advocacy organizations that comprise our coalition. I am here to speak on behalf of the nearly 18.4 million students of color and Native students enrolled in public elementary and high schools in the United States. I am also here on behalf of the over 1 million students who choose to drop out of our nation's high schools each year. CHSE believes in the very simple premise that in order to ensure all students unfettered and equitable access to educational opportunities and to arrest the high school graduation crisis among students of color, we must have a system of education that challenges and supports all students to meet the demands of a college and of the modern workforce.

My remarks today therefore will be focused on the kinds of supports that high school students, particularly students of color and Native students, need to graduate prepared for college, work, and life.

Building on Past Successes

The promise of a high-quality high school education is integral to our success as a nation. From meeting the president's goal of again leading the world in the number of college graduates, to competing in a global economy, to citizen participation in our democracy, education is a basic building block. The pending reauthorization of the Elementary and Secondary Education (ESEA) Act presents a historic opportunity to build upon the promise and achievements of the 2002 reauthorization, commonly known as the No Child Left Behind (NCLB) Act, while remedying defects that have limited the law's effectiveness in eliminating educational inequities.

NCLB was a step forward. It greatly enhanced ESEA's potential to improve conditions for students of color, first by holding states, school districts, and schools accountable for the academic success of all students; and second, by disaggregating data for racial and ethnic minorities, language minorities, low-income students, and students with disabilities.

The simple fact is that the 2002 reauthorization of ESEA moved us significantly closer to strengthening educational quality for all students. In short, it eliminated the ability to hide the often tragic conditions student so of color face in our schools and consequences of our collective failure to educate all of our students at a high level. Today as a direct result of the 2002 legislation, the critical importance of school accountability is widely accepted and important attention is being paid to addressing achievement gaps, enhancing college and career readiness, and strengthening high school graduation rates for all students. The 2002 reauthorization of ESEA effectively changed our national conversation about educational excellence and equity. We must not retreat on these gains if we are to continue making important progress.

If we do intend to improve America's schools, ESEA needs to be strengthened in many ways. For CHSE, this means expanding the focus on how we address the unique needs of high school students of color, Native students, and English language learner (ELL) students. The pervasive and persistent inequities in our public education system puts students of color at a disproportionate disadvantage as they continue to attend highly segregated schools, despite the decades old *Brown v. Board of Education* ruling. For example, three out of every four of Latino students and 56 percent of all Asian Americans¹ attend segregated schools in which minorities comprise 50 percent or more of the student population.² Latinos and African Americans comprise 80 percent of the student population in extreme-poverty schools where 90 to 100 percent of the population is considered low-income.³ We need to ensure that all American students have access to equitable learning conditions whether they come from high or low-income neighborhoods.

To ensure access to equal educational opportunities and reverse the graduation crisis among students of color, our system of education must challenge all students to meet the same high academic expectations. Indeed, a 2008 American Council on Education report revealed that counter to earlier trends, far too many of today's young Americans are realizing lower levels of educational attainment than in previous generations.⁴

In years past, our economy allowed high school students to find meaningful employment without the requirement of significant education and training beyond high school. Today, the increasingly global economy demands that American students are prepared to compete with students from around the world.⁵ Unfortunately, American high school students do not measure up to their international peers. It is critical that as a society, we provide students with high caliber, relevant academic coursework to adequately prepare them for the increasingly international post-high-school reality of college and work.

Students who attend college without having mastered basic skills cost our nation over \$2 billion a year in remedial coursework.⁶ Additionally, many of today's employers lament that high school graduates do not have the skills necessary to be successful in the workplace. Clearly, we must restore the value of a high school diploma by increasing academic rigor. To do so, we must align state academic standards to college and work readiness so that as our nation's graduates leave high school, they are prepared to assume roles as America's college students, highly skilled employees, and leaders of tomorrow.

Policy Solutions

CHSE believes that American education policy can prepare all students for college, work and life by creating an environment in which all children can achieve that goal regardless of race, ethnicity, or socioeconomic status. To do this, ESEA should aim high and address the critical needs of all high school students through the following policies:

1. Make All Students Proficient and Prepared for College and Work

We should guarantee that all students have access to rigorous and engaging coursework in core subjects. Coursework should impart the knowledge and skills needed to excel in postsecondary education and career, and assessments should measure student learning against these criteria. States should in turn be required to publicly report on access to college preparatory classes and course-taking patterns by income, race and ethnicity, both among and within schools.

2. Hold High Schools Accountable for Student Success

It is imperative that we hold high schools accountable for getting students successfully to graduation by including meaningful graduation rates in federal school accountability standards. Codifying in law the current graduation rate regulations would make a significant difference and would serve as a critical factor in determining the quality of a high school and it would be an effective use of resources.

Improving data systems is another critical component of a strong accountability system. They will not only improve the fairness and accuracy of accountability systems, including ensuring increased accountability for groups that are often marginalized, such as, ELLs, Native Americans and Southeast Asians, but will also allow schools to target services such as professional development where they are needed most.

Additionally, making decisions without the benefit of fully disaggregated data ignores the unique needs of students of color and ill prepares school administrators to allocate resources based on student and teacher needs. While many states disaggregate data, inconsistencies in collection and reporting standards leave entire groups of students out of the equation. For example, without fully disaggregated data, the needs of whole segments of the Asian American and Pacific Islander population are neglected. As a result, entire groups of these young people end up falling through the cracks.

We must also establish accurate and reliable assessments for ELLs. States have not yet implemented valid and reliable Title I or Title III assessments for ELLs, and the U.S. Department of Education has not yet provided sufficient technical assistance or guidance to the states in the development of appropriate assessment policies and practices. Both failures have severely hindered the effectiveness of NCLB for ELLs.

3. Redesign the American High School

In order to address students' diverse needs, states and districts must provide their schools with the means to explore and implement new educational models, as well as other effective interventions such as literacy programs, personal graduation plans, and extended learning time.

4. Provide Students with Excellent Leaders and Teachers

The federal government can support programs that establish incentives to recruit, train, support and retain effective leaders and teachers in high-poverty high schools. Federal education policy that promotes culturally based teaching, a practice wherein teachers align instruction to the cultural practices and experiences of their students, is also critical to helping all students succeed.

5. Invest Communities in Student Success

The school environment is critical to student success, but we also know it is not the only factor that impacts a secondary school students' academic and social outcomes. Families and communities also play key roles. Students in low-performing schools often do not receive the same exposure to outside learning opportunities as their more affluent counterparts. Our policy must harmonize the incentive and disincentive structures of the external and internal environments to support all students' ability to stay in school, excel academically, and develop into a productive individual.

6. Provide Equitable Learning Conditions for All Students

Persistent disparities in the allocation of key education resources often bar low-income and minority students from receiving the high-quality education they deserve. Research demonstrates that, across states, school districts that enroll the highest percentage of students of color and low-income students receive fewer resources than school districts serving white and affluent students.⁷ Resources must be distributed equitably, used effectively, and directed to where they are needed the most.

7. Support the State-led Common Core Standards

The state-led effort on common standards can be a critical first step in reforming the American educational system. If developed and implemented effectively, high common standards can help to improve our education system with significant benefits for students of color. The federal government should support states when necessary, as these standards have the prospect to challenge all students to reach the same high expectations.

8. Expand Learning Opportunities Beyond the School Day

Often, increasing the engagement of older youth requires more than just time beyond the traditional school day. The innovation and enrichment that can take place beyond the regular school day can help students stay engaged in school and graduate.

I would like to speak in more depth about a few areas of interest: turning around low-performing schools, student supports needed to help all students succeed, and effective teaching.

Turning around Low-performing Schools

Our nation's students of color are four times more likely than non-minority students to attend a persistently low-performing school, and three times less likely to attend a high school with very high graduation rates. In fact, dropout factories produce 81 percent of all Native American dropouts, 73 percent of all African American dropouts, and 66 percent of all Latino dropouts.

Despite these alarming statistics, the majority of low-performing high schools are left out of school improvement efforts because many are not eligible for Title I support, the trigger for school improvement efforts. In fact, only 61 percent of dropout factories are eligible for—and, many analysts believe, even fewer actually receive—Title I funds. Even if they do receive Title I funds, many dropout factories will likely not be identified as “in need of improvement” since graduation rates are not significantly factored into the determination of a school's success or failure. For example, 41 percent of dropout factories made AYP in the 2004–05 school year.⁸

We have an opportunity right now to ensure that low-performing high schools benefit from attention, resources, and aggressive reform by making sure high schools are eligible for Title I, are held accountable for graduation rates in addition to academic achievement, and are included in school improvement calculations and intervention strategies.

Invest in Interventions that Work

Creating high-performing high schools that give all students the support they need to succeed is no small task, and it requires changing the school in addition to a community investment. To truly serve the needs of America's diverse learners, high schools must be redesigned by:

- implementing a variety of quality high school models shown to support different learning styles and student situations;
- providing integrated student supports that utilize both in-school and community-based services (for example, high-quality high school counselors, graduation coaches, social workers, and health care and mental health services);
- promoting strategies (such as literacy coaches or native language instruction) and targeted interventions (such as afterschool programs or block scheduling) that improve student numeracy and literacy skills without sacrificing access to high-level academic subjects;
- promoting instructional practices designed to meet the needs of diverse learners such as reflexive learning and culturally competent learning techniques; and
- ensuring that legally and educationally valid criteria are used to appropriately inform decisions regarding student eligibility for services in special education, services for ELLs, college preparatory curricula, and gifted and talented programs.

CHSE believes that community-based organizations (CBOs) play a critical role in providing much-needed wrap-around services, particularly for students of color and Native students. The federal government should support the creation and expansion of multilingual parent centers, as well as CBO-based expanded learning opportunities including afterschool and summer programs, business-school partnerships and other community-based support services needed to help students stay in school and graduate.

Throughout a reauthorized ESEA, we must remember that successful strategies for high school students differ from those of younger students. High school students are inherently more mobile, have competing demands on their time—including sports, clubs, jobs, and family responsibilities, among other differences—and therefore, require different strategies, activities, and supports than elementary and mid-

dle school students. For example, expanded learning initiatives and services for older students should use innovative practices and partners to better develop student assets by providing leadership and community service opportunities, work experience, academic credits and stipends. Policy must support and drive high-school based supports such as expanded learning programs.

An evaluation of New York City programs⁹ found certain common elements in successful high school effort, and they differed from those that made elementary and middle school programs successful. They include:

- the use of creative, age-appropriate strategies to recruit youth and encourage their continued participation;
- the employment of staff who could relate to youth and staff with expertise in activity content areas;
- activities designed to meet the developmental needs of older youth, for example, through the provision of career- and college-oriented activities and leadership opportunities; and
- partnerships to increase the fiscal and other resources available to the program.

Adopt Effective Teaching Policy Strategies and Distribute them Equitably

High-quality teachers are the single most important factor influencing student academic outcomes, including graduation.¹⁰ In fact, the presence of an effective teacher trumps almost every other intervention, including class size reduction, in improving student outcomes.¹¹ Students, especially students of color and Native students who have traditionally been underserved by the system and are most likely to benefit, are not being taught by effective teachers.¹² In order to address this disparity, CHSE believes that it is critical that all students, especially those most at risk of dropping out of high school, should have access to effective teachers. Next week, CHSE will release policy recommendations related to effective teaching. Our vision contemplates teacher effectiveness policies that:

- Are based significantly on growth in academic achievement for all students,
- Improve classroom instruction and leadership decision-making,
- Include and support high school specific solutions,
- Ensure teachers (and school leaders) are culturally competent,
- Ensure Teachers of Diverse Learners are prepared and well-resourced; and
- Invest in Research

While we know that teachers are a critical determinant of how a student will perform academically, research shows that the students most likely to benefit are not being taught by effective teachers.¹³ Highly effective teachers are more likely to be teaching in more affluent schools and schools with smaller populations of students of color.¹⁴ Therefore CHSE supports teacher effectiveness policies that ensure that effective teachers are equitably distributed to give all students a fighting chance at learning.

Conclusion

In conclusion, the last reauthorized ESEA surfaced a number of troubling academic disparities amongst student subgroups. Prior to disaggregating data for racial, ethnic, and language minorities, low-income students, and students with disabilities, the depth of academic achievement gaps remained relatively hidden. While NCLB was a step in the right direction, clearly, there is still much to do, and we must not only do it right, we must do it NOW.

The educational interests of students of color and Native students should be fully considered in the deliberation over ESEA. In order to meet the needs of these students CHSE and its partners urge Congress to ensure better support for high schools and strong accountability for improving results for high school students.

All students—especially students of color, Native students, ELLs—stand to benefit from a reauthorized ESEA. Waiting any longer to reauthorize ESEA amounts to shutting the door on thousands of American high school students and their dreams of a successful future. CHSE looks forward to continuing to work with this Committee and the full Congress to ensure the timely renewal of this critical civil rights legislation.

Thank you, again, for the opportunity and privilege to testify before you today. I would be happy to answer any questions you may have.

ENDNOTES

¹ Orfield, G., and C. Lee. (2005) Why segregation matters: Poverty and educational inequality. Cambridge, MA: The Civil Rights Project at Harvard University. Available at <http://bsdweb.bsdt.org/district/EquityExcellence/Research/Why—Segreg—Matters.pdf>.

² Orfield, G. and J.T. Yun, (1999) Resegregation in American Schools. Cambridge, MA: The Civil Rights Project at Harvard University. Available at <http://www.civilrightsproject.ucla.edu/research/deseg/Resegregation—American—Schools99.pdf>.

- ³Orfield, G., and C. Lee. (2005)
- ⁴American Council on Education (2008). Minorities in Higher Education 2008 Twenty-third Status Report. Washington, DC: Author.
- ⁵National Center on Education and the Economy (2007). Tough Choices or Tough Times: The Report of the New Commission on the Skills of the American Workforce, Executive Summary. Accessed at www.skillscommission.org/pdf/exec-sum/ToughChoices-EXECSUM.pdf.
- ⁶Strong American Schools (2008). Diploma to Nowhere. Washington, DC: Author.
- ⁷Carey, K. (2004). The funding gap 2004: Many states still shortchange low-income and minority students. Washington, DC: Education Trust.
- ⁸Balfanz R. et al., (2007). Are NCLB's measures, incentives, and improvement strategies the right ones for the nation's low-performing high schools? American Educational Research Journal 44: 559–93.
- ⁹Russell, C. A., Vile, J.D., Reisner, E. R., et al. (2008). "Evaluation of the New York City Department of Youth and Community Development Out-of-School Time Programs for Youth Initiative: Implementation of Programs for High School Youth." New York: New York City Department of Youth and Community Development. Available at www.nyc.gov/html/dycd/downloads/pdf/ost-hsprograms-report-6-08.pdf.
- ¹⁰Carey, K. (2004). The real value of teachers: if good teachers matter, why don't we act like it? Thinking K-16, 8, 1. Available at <http://www.calread.net/documents/summit3/articles/real-value-teachers.pdf>.
- ¹¹Jerald, C., Haycock K. and A. Wilkins (2009). Fighting for quality and equality, too: how state policymakers can ensure the drive to improve teacher quality doesn't just trickle down to poor and minority children. Washington DC: The Education Trust. Available at <http://www.edtrust.org/sites/edtrust.org/files/publications/files/QualityEquity-3.pdf>.
- ¹²Gordon, R., Kane, T., and D. Staiger (2006). Identifying effective teachers using performance on the job. Washington, DC: Brookings Institution Available at <http://www.brookings.edu/~/media/Files/rc/papers/2006/04education-gordon/200604hamilton-1.pdf>.
- ¹³Gordon, R., Kane, T., and D. Staiger (2006). Identifying effective teachers using performance on the job. Washington, DC: Brookings Institution. Available at <http://www.brookings.edu/~/media/Files/rc/papers/2006/04education-gordon/200604hamilton-1.pdf>.
- ¹⁴Gordon, R., Kane, T., and D. Staiger (2006).

Chairman KILDEE. Thank you.
Dr. Gipp?

**STATEMENT OF DAVID GIPP, PRESIDENT, UNITED TRIBES
TECHNICAL COLLEGE (UTTC)**

Mr. GIPP. Thank you, Mr. Chairman. It is an honor to be—on behalf of the National Congress of American Indians, the National Indian Education Association, and the National Alliance to save native languages, it is a great honor to be here today from Bismarck, North Dakota.

As you indicated, I am president of United Tribes Technical College, where we have about 500 children, three early childhood centers, and a K-8 elementary school on our campus that represents over 70 different tribes in our student population.

I would like to speak to about five major points relative to American Indian tribal nations and Indian education. First, we believe that we should strengthen tribal control in Indian education and in education. Tribes, like communities, are fully aware of what their children need.

As future tribal leaders, tribes recognize the importance of providing their children with the fundamental curriculum that state education requires. However, they also bring a unique and critical perspective to the table, which includes the incorporation of tribal culture and languages.

State education agencies do not understand the complexity of tribal beliefs and, therefore, undermine the vital role in our lives of our Indian children. Tribal education departments are formal components of our tribal governments, and they need to be recognized and given appropriate authority as part of the ESEA reauthorization.

Second, we believe that there ought to be increased coordination between the Department of Education and the Bureau of Indian Education. About 90 percent-plus of our children are educated in public schools and about—the other 10 percent are educated within the Bureau of Indian Affairs systems or in tribal schools themselves. Because our students attend public, tribal, and BIE schools, it is critical that these education agencies communicate and work together.

Third, there ought to be a focus on recruitment and retention of native teachers. Indian country needs more native teachers. Teachers that share the same cultural knowledge and ethnic background of their students understand their educational needs to a higher degree and act as community role models. Consequently, teacher retention is a major issue for us.

Tribal colleges, the 37 that are throughout the United States, also have a critical role to play in teacher recruitment and training. United Tribes, where I am at, offers a 4-year elementary education degree. Graduates of this program, almost all Native Americans, are ready to step into the classroom at schools throughout Indian country.

The Elementary and Secondary Education Act needs to include provisions that offer incentives for students to enter teacher training programs through our tribal colleges and universities.

Fourth, the long-term investment in culturally based education—again, I want to highlight the importance of native culture and language in combination with education. What we do know is that the research shows and demonstrates that Indian children who have a better knowledge base of their culture, their heritage and their language also perform much better with respect to the other kinds of academic curriculum.

We know that our students perform better academically when they have a sense of pride and self-esteem for knowing who they are and where they come from. This cultural foundation needs to be reinforced and strengthened for each of our native students. This kind of cultural-based education is being utilized in places like Montana, and it is beginning to show good results.

We also know that native-language-based educational models also work to improve performance. On that, we recommend that the Esther Martinez Native American Language Preservation Act be funded more fully and that a formula base is used for those kinds of schools that work with immersion styles of education for native children.

We would also like to emphasize the issue of tribal consultation, because our tribes have a treaty and federal Indian relationship to the United States government, as well as our states, a nation-to-nation relationship that is reaffirmed through those means that I have just mentioned and through President Obama's executive order in November 5, 2009, which requires that each agency develop a plan to implement a consultation and coordination with tribal government.

In the past, the Department of Education has not adequately consulted with our tribal leaders. As a result, our students were left out of the Recovery Act's stabilization funds and the Department of Ed's Race to the Top Initiative.

Finally, I would like to point out that each of our speakers who have testified today are representative of various groups throughout education. Our students cannot be characterized into one particular single group, because American Indian and Alaska native tribal nations are first and foremost tribal governments and have many distinct and diverse cultures within the 565 federally recognized Indian tribes.

Thus, there is a political aspect that is unique to our educational system. We have students from rural and urban areas, and many have special needs, and many come from low-income families. We also have children who attend all forms of schooling, public, BIE, rural and urban, and consequently our tribes can relate to each of these groups.

We hope that the ESEA needs to assist tribal nations by giving them the tools of control they need to make through the various education systems consistent with each tribe's cultures and values. I thank you for this opportunity today, Mr. Chairman.

[The statement of Mr. Gipp follows:]

Prepared Statement of Dr. David M. Gipp, on Behalf of the National Congress of American Indians and the National Indian Education Association

Good morning, Chairman Kildee, Ranking Member Castle, and members of the Subcommittee. Thank you for giving me the opportunity to testify today. My name is David M. Gipp. My Indian name is Lone Star or Wicahpi Isnala, I am an enrolled citizen of the Standing Rock Sioux Tribe, and I am a Hunkpapa Lakota. I have served as the president of the United Tribes Technical College, (UTTC, sometimes referred to as United Tribes of North Dakota) since May, 1977. On the UTTC campus, there is a Bureau of Indian Education-funded elementary school, Theodore Jameson, educating students in K through eighth grade, which has been in operation for 38 years. There are three pre-K early childhood centers on the campus as well.

We submit this testimony in collaboration with our sister organization, the National Indian Education Association (NIEA). NCAI is the oldest and largest American Indian organization in the United States. As the most representative national Indian organization, we serve the broad interests of tribal governments across the nation. NCAI was founded in 1944 in response to termination and assimilation policies. Since then, we have fought to preserve the treaty rights and sovereign status of Indian tribes and to ensure that Indian people may fully participate in the political system. Our partner, NIEA, was founded in 1969 and is committed to increasing the educational opportunities and resources for Indian students while protecting our cultural and linguistic traditions.

NCAI, NIEA, and I strongly support the Administration's and Congress' efforts to reauthorize the Elementary and Secondary Education Act (ESEA). Perhaps nowhere in the country will the impact of this reauthorization be more beneficial than in Indian Country. We were excited to hear Secretary Duncan's testimony last week as he expressed the Department's desire to move towards greater flexibility and local control, as well as his affirmation of promoting promising practices and focusing on disadvantaged students.

Indian education disparities

In comparison to their peers, American Indian and Alaska Native children continue to fall behind in the educational and learning achievements of their peers. The 2007 National Indian Education Studyⁱ indicated that in reading and math, American Indian and Alaska Native students scored significantly lower than their peers in both fourth and eighth grades. In fact, Native students were the only students to show no significant progress in either subject since 2005. Our students also face some of the highest high school dropout rates in the country.ⁱⁱ These discouraging trends need to be reversed.

Data for Indian students is often incomplete. There are a number of reasons for this—including the need for oversampling, our remote locations, and language barriers. However, some of the comparisons with the non-Native population are quite disturbing (additional demographic and statistical information provided in Appendix A):

- 70% of BIA-administered schools failed to satisfy No Child Left Behind Adequate Yearly Progress requirements in 2005.ⁱⁱⁱ

- American Indian and Alaska Native students were more likely than students of other racial and ethnic groups to receive services under the Individuals with Disabilities Education Act (IDEA). Specifically, about 12% of American Indian and Alaska Native students received IDEA services in 2003, compared to 8% of white, 11% of black, 8% of Hispanic, and 4% of Asian/Pacific Islander students.^{iv}

- Only 44.6% of American Indian males and 50% of American Indian females graduated with a regular diploma in the 2003–04 school year.^v

- American Indians have a 15% higher chance of dropping out of high school than white students.^{vi}

- The National Assessment of Education Progress (NAEP) reports that 74% of American Indian and Alaska Native twelfth graders read below grade level, compared to 57 % of white twelfth graders.^{vii}

Tribal governments believe that we are well positioned to address many of these educational disparities. Unfortunately, tribes face many challenges in providing the best educational opportunities for our children.

On Indian reservations, there are three types of K-12 public school systems: federal Bureau of Indian Affairs schools, tribal government schools, and local county school districts. In some Indian communities, all three school systems co-exist.

The Bureau of Indian Education (BIE) is responsible for 184 elementary and secondary schools and 27 colleges. These institutions are located on 63 reservations, spanning across 23 states; they educate approximately 60,000 students. Schools that are not directly operated by the BIE are run by individual federally recognized tribes with grants or contracts from the BIE.

Tribal Education Departments (TED) are formal components of tribal governments. Over 110 federally-recognized tribes have TEDs. Their primary goal is to ensure that tribal students are receiving the same opportunities that non-tribal students receive by coordinating federal, state, and tribal resources for tribal students and implementing the goals of the NCLB Act. TEDs improve educational opportunities for tribal students by giving direction, advice, and assistance to local schools through the development of education codes and analysis of educational data and research. Funding for TEDs has been authorized through the Department of the Interior since 1988 and through the Department of Education since 1994; however, TEDs have never been funded at an appropriate level.

Head Start Programs, particularly the Tribal Head Start and Early Head Start Programs are vital to Indian Country. Approximately 38% of all federally-recognized tribes have Head Start and/or Early Head Start programs, which are reaching over 23,000 Indian children; Indian Head Start plays a major role in educating and preparing Indian children for academic success. They have a proven record of enhancing academic readiness and self-esteem of Indian children, and provide a unique opportunity to enhance cultural pride and knowledge through the promotion of tribal values and tribal language immersion programs.

Tribally controlled colleges and universities (TCUs) share many characteristics that differentiate them from other secondary institutions. TCUs are intended to foster environments focused on American Indian and Alaska Native culture by creating learning opportunities that preserve, enhance, and promote Native language and traditions. Some TCUs function as community resources, providing social services to isolated and remote reservation areas. Currently, there are 34 TCUs. TCUs are essential in providing educational opportunities and environments for Native students to pursue advanced degrees in settings that are comfortable and familiar and at an affordable cost.

Indian education is a Federal responsibility

We must be clear: specifically addressing the needs of American Indians and Alaska Natives within the reauthorization of the ESEA is not akin to providing requirements for reducing education disparities or considering the needs of ethnically diverse populations. While we may fall into those target populations as well, the significant difference is that providing education to American Indians and Alaska Natives is a federal obligation because of the unique legal status of Indian people. When Indian tribes ceded certain lands—lands which now constitute the United States—agreements were made between tribes and the United States government that established a “trust” responsibility for the safety and well-being of Indian peoples in perpetuity. In addition, a number of treaties specifically outlined the provision of education, nutrition, and health care. Therefore, the federal trust responsibility for American Indian and Alaska Native education must be recognized in all education policies.

At the same time, as United States citizens, American Indians and Alaska Natives should have opportunities equal to those of other citizens to participate in the benefits of all programs and services offered within the reauthorization. While it may be tempting for Congress to dismiss tribal recommendations, due to their complex nature, I assure you they are needed. The Indian education system is invisible to most Americans, but it does, and it must, interface with federal and state education systems. We understand what is needed to assure that educational reform reaches and benefits Indian Country, and ask that you take the time to understand how both the federal trust responsibility and mainstream education can work in tandem for Indian people. We are committed to work with you in any way we can. To that end, we offer the following specific comments.

Framework for inclusion of Indian country

Over the last few weeks, tribal leaders have spoken about the challenges facing our Indian education system at a number of venues—Congressional briefing sessions, meetings with the Domestic Policy Council, and most recently on a call with Secretary Duncan. At each of these, key principles and themes have emerged, which I share with the Committee today. NCAI and NIEA are working with tribal leaders from across the nation to transform these principles into our National Tribal Priorities for Indian Education. We are looking forward to sharing the specific details with the Committee in the coming weeks.

1) Strengthening Tribal Control in Education. Tribes are overwhelmingly supportive of local control over education. For Indian Country, this means fully recognizing the status of our tribal education departments (TEDs) as formal components of our tribal governments and affording them the same status as State Education Agencies (SEA) in tribal geographic territories.

2) Increased Coordination between the Department of Education and the Bureau of Indian Education. Indian education must be viewed as an integrated system, with our students moving in and out of public, tribally-run, and BIE schools. As such, there must be a coordinated effort between the agencies that are responsible for providing Indian education.

3) Focus on Recruitment and Retention of Native Teachers. There is no greater influence on student learning than the quality of the teacher. Indian schools are significantly disadvantaged in their effort to recruit skilled Native teachers. Uncompetitive salaries, remote locations, and lack of housing are but some of the challenges our tribal governments are facing. Tribal leaders are calling for an increased focus on recruiting and retaining Native educators, as well as providing professional development and support for teachers in schools with significant Native populations.

4) Long Term Investment in Cultural Based Education. By definition, Cultural Based Education (CBE) is a teaching model that encourages quality instructional practices rooted in cultural and linguistically relevant context. For Native communities, this includes teaching our Native language, but it also means incorporating traditional cultural characteristics and teaching strategies that are harmonious with Native cultural and contemporary ways of knowing. We know that our students perform better academically when they have a sense of pride and self-esteem, and CBE provides this vital foundation. We recognize however that there is little quantitative data to point to, so tribes are calling for CBE to be identified as a promising practice in Indian education and for programs to be funded over a period of five years so we can effectively build an evidence base that conclusively distinguishes what works for which populations and under what circumstances.

Tribal consultation

Lastly, I would like to mention the importance of tribal consultation. A unique Government-to-Government relationship exists between federally-recognized Indian tribes and the Federal Government. This relationship is grounded in numerous treaties, statutes, and executive orders as well as political, legal, moral, and ethical principles. This relationship is not based upon race, but rather, is derived the legal status of tribal governments. The Federal Government has enacted numerous regulations that establish and define a trust relationship with Indian tribes. An integral element of this Government-to-Government relationship is that consultation occurs with Indian tribes. President Obama recently re-affirmed this relationship with an Executive Memorandum, which requires each federal agency to develop a plan to implement consultation and coordination with Indian tribal governments as required by Executive Order 13175.

The Department of Education (DoEd) has had little direct consultation—or communication—with the Tribes. They have relied almost exclusively on the National Advisory Council on Indian Education, which unfortunately was not effectively utilized over the years. As a result, the DoEd has neglected to take into consideration

the impact of legislation on our tribal schools. A recent example of this oversight is the inability for our schools to receive much needed funding through the Recovery Act's Stabilization Funds or the DoEd's new Race to the Top initiative. Through the new EO, we are looking forward to a direct, productive relationship between our tribal governments and the Department.

Conclusion

In closing, I would like to remind the Committee that whatever form the reauthorization of ESEA takes, it is important that tribal students, whether they attend a Bureau of Indian Education funded school, a state public school, or a tribally run school, are served by all of the ESEA programs, and must be specifically considered.

Thank you for inviting me to speak with you today; and thank you for making Indian children a priority. We look forward to sharing the "National Tribal Priorities for Indian Education" with the Committee in the following weeks. I am certain that our shared goal of improving the education of Indian children can be fostered through the reauthorization of the Elementary and Secondary Education Act.

I will be happy to answer any questions that you may have.

APPENDIX A

EDUCATION PROFILE OF AMERICAN INDIAN AND ALASKA NATIVE STUDENTS

Demographics

- American Indian and Alaska Native students make up 1.2% of public school students nationally.^{viii}
- There are approximately 644,000 American Indian and Alaska Native students in the U.S. K-12 system.^{ix}
- About 93% of all American Indian and Alaska Native students attend regular public schools and 7% attend schools administered by the Bureau of Indian Affairs.^x
- States where American Indian and Alaska Native students compose the largest proportions of the total student populations included: Alaska (27 %), Oklahoma (19 %), Montana, New Mexico, and South Dakota (11 % each).^{xi}

School Profiles

- 52% of American Indian and Alaska Native students attended schools in the 2003—04 school year where half or fewer of the students were white.^{xii}
- 54% of American Indian and Alaska Native eighth graders attend schools where more than half of the students are eligible for free or reduced-price lunch.^{xiii}
- In the 2002—03 school year, the average American Indian and Alaska Native student attended a school where 39% of the students were poor, while the average white student attended a school where only 23% were poor.^{xiv}
- 70% of BIA-administered schools failed to satisfy No Child Left Behind Adequate Yearly Progress requirements in 2005.^{xv}
- In public schools with high American Indian and Alaska Native enrollment, only 16% of teachers are American Indian and Alaska Native.^{xvi}

Preparedness, Graduation and Dropouts

- The National Assessment of Educational Progress reports that 44% of American Indian and Alaska Native eighth graders read below grade level, compared to 16% of white eighth graders.^{xvii}
- The national graduation rate for American Indian high school students was 49.3% in the 2003—04 school year, compared to 76.2% for white students.^{xviii}
- Only 44.6% of American Indian males and 50% of American Indian females graduated with a regular diploma in the 2003—04 school year.^{xix}
- American Indians have a 15% higher chance of dropping out of high school than white students.^{xx}
- American Indian and Alaska Native high school students who graduated in 2000 were less likely to have completed a core academic track than their peers from other racial/ethnic groups.^{xxi}
- NAEP reports that 74 % of American Indian and Alaska Native twelfth graders read below grade level, compared to 57 % of white twelfth graders.^{xxii}

Special and Gifted Students

- American Indian and Alaska Native students were more likely than students of other racial and ethnic groups to receive services under the Individuals with Disabilities Education Act (IDEA). Specifically, about 14% of American Indian and Alaska Native students received IDEA services in 2006, compared to 8% of white, 11% of black, 8% of Hispanic, and 5% of Asian/Pacific Islander students.^{xxiii}
- About 20 % of students at BIA schools receive special education services.^{xxiv}

- American Indian and Alaska Native students are 1.53 times more likely to receive special education services for specific learning disabilities and are 2.89 times more likely to receive such services for developmental delays than the combined average of all other racial groups.^{xxv}
- 15% of American Indian and Alaska Native eighth graders were categorized as students with disabilities in 2005, meaning they had or were in the process of receiving Individualized Education Plans, compared to 9% of all non—American Indian and Alaska Native eighth graders.^{xxvi}

ENDNOTES

ⁱFreeman, C. and Fox, M. (2005). Status and trends in the education of American Indians and Alaska Natives. Washington, DC: National Center for Education Statistics, US Department of Education (NCES 2005-108).

ⁱⁱId.

ⁱⁱⁱU.S. Bureau of Indian Affairs. BIA Funded School Adequate Yearly Progress 2004—2005. <http://www.oiep.bia.edu/> (accessed June 15, 2007).

^{iv}Freeman, C. and Fox, M. (2005). Status and trends in the education of American Indians and Alaska Natives. Washington, DC: National Center for Education Statistics, US Department of Education (NCES 2005-108).

^vId.

^{vi}Freeman, C. and Fox, M. (2005). Status and trends in the education of American Indians and Alaska Natives. Washington, DC: National Center for Education Statistics, US Department of Education (NCES 2005-108).

^{vii}The nation's report card: Twelfth-grade reading and mathematics 2008 (NCES 2009-468). Washington, DC: Government Printing Office.

^{viii}Id.

^{ix}Id.

^xId.

^{xi}Id.

^{xii}Orfield, G., and C. Lee. 2005. Why segregation matters: Poverty and educational inequality. Cambridge, MA: The Civil Rights Project at Harvard University.

^{xiii}National Indian education study, Part II: The educational experiences of fourth and eighth-grade American Indian and Alaska Native students (NCES 2007-454). Washington, DC: Government Printing Office.

^{xiv}Orfield, G., and C. Lee. 2005. Why segregation matters: Poverty and educational inequality. Cambridge, MA: The Civil Rights Project at Harvard University.

^{xv}U.S. Bureau of Indian Affairs. BIA Funded School Adequate Yearly Progress 2004—2005. <http://www.oiep.bia.edu/> (accessed June 15, 2007).

^{xvi}Manuelito, K. 2003. Building a native teaching force: Important considerations. Charleston, WV: ERIC Clearinghouse on Rural Education (ERIC ED482324).

^{xvii}U.S. Department of Education, National Center for Education Statistics. 2008. The nation's report card: Reading 2008 (NCES 2009-451). Washington, DC: Government Printing Office.

^{xviii}Editorial Projects in Education [EPE]. 2007. Diplomas count 2007: Ready for what? Preparing students for college, careers, and life after high school. Special issue, Education Week 26, no. 5.

^{xix}Id.

^{xx}Freeman, C. and Fox, M. (2005). Status and trends in the education of American Indians and Alaska Natives. Washington, DC: National Center for Education Statistics, US Department of Education (NCES 2005-108).

^{xxi}Id.

^{xxii}The nation's report card: Twelfth-grade reading and mathematics 2005 (NCES 2007-468). Washington, DC: Government Printing Office.

^{xxiii}Freeman, C. and Fox, M. (2008). Status and trends in the education of American Indians and Alaska Natives. Washington, DC: National Center for Education Statistics, US Department of Education (NCES 2005-108).

^{xxiv}U.S. General Accounting Office. 2001. BIA and DOD schools: Student achievement and other characteristics often differ from public schools' (GAO-01-934). Washington, DC: U.S. Government Printing Office.

^{xxv}U.S. Department of Education. Office of Special Education Programs. 2004. Twenty-sixth annual report to Congress on the implementation of the Individuals with Disabilities Education Act, 2004, Vol. 1. Washington, DC.

^{xxvi}National Indian education study, Part II: The educational experiences of fourth and eighth-grade American Indian and Alaska Native students (NCES 2007-454). Washington, DC: Government Printing Office.

Chairman KILDEE. Thank you, Dr. Gipp.
Ms. Diaz? Is your—

**STATEMENT OF ARELIS DIAZ, ASSISTANT SUPERINTENDENT
OF CURRICULUM/INSTRUCTION AND HUMAN RESOURCES,
GODWIN HEIGHTS PUBLIC SCHOOLS**

Ms. DIAZ. Good morning, Mr. Kildee, Ranking Member Castle, and Mr. Ehlers, members of the subcommittee. It is an honor to be here, and I appreciate your time.

In my immigrant experience, having immigrant parents and being a first-generation American, I was really interested in working with ELL learners, and I wanted to share some of the successes we have had at Godwin Heights public schools with you, things that could be replicated easily and throughout the United States.

When I started my principalship in 2000, only 50 percent of our students were meeting or exceeding reading and writing goals, 46 percent in math, and only 6 percent in social studies. We knew we had to do something very quickly.

Some of the things we were able to do was analysis of data. This is like the GPS of education. We need to know where we are going with data, and data analysis provides that for us. It gives us that ability to do so.

Teachers need to know how to look at data and analyze data. They need to be given the time to do so during the school day, with gaining substitutes, works very effectively.

It needs to be done in teams by grade level, and it also needs to be documented. That work needs to be documented. It needs to go to the school improvement team, and goals need to be met based on the data analysis.

The professional learning communities that we have implemented in our district has incorporated the sharing of instructional practices that work. It is really moved teachers from isolation to collaboration, really increasing the achievement in all of our groups, including the English-language learners.

The school improvement team goals, before you leave for a road trip, it is similar to checking your engine, the oil, your tire pressure. What it does is it lets you know that things are in order.

The ideal time to do the school improvement team goals is really in the spring for the fall, if possible. Team members need to be represented by every grade level, ELL teachers, reading teachers. There needs to be a good representation of the school and the school improvement team.

The yearly goals need to be based on the data analysis that takes place. They need to be measurable and specific, and we need to be able to incorporate that in the teacher evaluation process. Oftentimes, that is missing. And principals need to be sure to look for those school improvement team goals in the observations and reflect on that through the evaluation process.

Parent involvement is enormous. We need to include all of our parents. When you are dealing with a community of diverse parents and they are surrounded by poverty, it does create a challenge for us, but they need to feel welcome, they need to be embraced and educated.

One of the things that has been successful for our district is family and family night, reading nights, math nights, where we are specifically demonstrating, live demonstrations to parents on how they can help their students with literacy and skills and strategies.

We also translate everything for the families, Spanish, Vietnamese, Bosnian, whatever language is represented, and we feed them. If you feed them, they will come. And that is a very important part. And through title money, we could also provide that.

Professional developments like rolling down the window and getting fresh air when you are on a long road trip. Professional development gives teachers a fresh outlook in their education. It kind of eliminates the stagnant air, if you will. With implementation plans and expectations clearly outlined, professional development can make a tremendous difference.

We need Title 3 funding that can provide resources for us to educate the teachers that are working with English-language learners, and it also provides activities for us for parents, before and after school tutoring for students, which is extra time and support, and programming after school for parents, as well.

When you reach a destination, there is a sense of joy and accomplishment. Results do that for educators. When you can look back and see that your hard work has paid off, it makes a tremendous difference. I have included longitudinal data, as well.

Effective teaching can close the achievement gap. There is absolutely no reason that we cannot do it. But when you have a diverse population, it is twice as hard to do so, and we would like you to acknowledge that.

We understand and welcome accountability, but there are modifications that are necessary, and I have included a couple of recommendations in my proposal. Thank you.

[The statement of Ms. Diaz follows:]

Prepared Statement of Arelis E. Diaz, Assistant Superintendent of Curriculum/Instruction and Human Resources, Godwin Heights Public Schools, Wyoming, MI

Good morning. Chairman Kildee, Ranking Member Castle, Mr. Ehlers, and members of the subcommittee thank you for this opportunity to speak to you today. I am Arelis Diaz, Assistant Superintendent of Curriculum/Instruction and Human Resources in Godwin Heights Public Schools District located in Wyoming, Michigan. This work is quite dear to me since I am a first generation American with hard working parents from the Dominican Republic. I was raised in Puerto Rico and returned to the states during my third grade year. My immigrant experience gave me a desire to train for and teach diverse English Language Learners. I was privileged to teach ELL students for 5 years, lead teachers primarily as a principal for 5 years, and most recently have led instruction for the district as a central office administrator for the last 5 years. I am honored to share some of the work we have been successful with at Godwin Heights over the past 10 years to improve instructional practices and achieve positive academic gains in addressing the needs of diverse students.

Background of Godwin Heights Public School District

Godwin Heights is an urban district located on the border of Grand Rapids. We have experienced a great deal of diversity growth in the past two decades. In 1995, I had 36 students in my English Language Learners class whose native language was other than English. Fifteen years later, although our students' prominent first language is still Spanish, that same school has 155 ELL students who come from 16 different countries. The changes in poverty are similar. In 1995, Godwin's community was comprised primarily of strong manufacturing employees working at GM and Steelcase plants. Today, the GM plant has closed and Steelcase is a skeleton of the healthy and hearty company it used to be. As a result, 84% of our students now qualify for free and reduced lunch.

Godwin Heights Public School District serves 2,212 students at our 3 elementary schools, one middle school, one high school, and one alternative high school. All of our schools qualify for and receive Title I Program funding. We also provide ELL and Special Education services at all of the schools.

Changes in instructional practice—as principal

When I became principal of North Godwin Elementary School in 2000, only 50% of our students were meeting or exceeding Michigan's Reading and Writing expectation. Only 46% of our students satisfactorily passed the Math assessment. Our Social Studies results were even worse—with only 6% of our students meeting or exceeding expectations. Why were some students making progress and others not? We had to face our brutal facts—quickly!

I knew that facing our brutal facts meant looking at our data to truly discover who was learning, what they were learning, when (what grade level) they were learning it, how were we vertically aligning the curriculum, and most importantly, why were some students not learning. My mantra became “we will do whatever it takes” to effectively educate all of our students! During my tenure as building principal, I continuously focused on the following 5 principles:

- Give teachers time to analyze past and present data
- Develop specific and measurable School Improvement Team goals (from data analysis)
- Create a positive, efficacy-based culture—“If you believe it, you will see it. If you don't, you won't.”
- Develop a continuous learning environment with book studies and collaboration
- Parent Involvement—embracing and educating them

Analyze past and present data:

Teachers need to be given time to be intentional about looking and analyzing data. I was surprised to discover that most needed to be taught how to analyze data. I found that teachers could not/should not be expected to do this most important work on their own time. Administrators needed to give them time and support. Providing this time during the school day, by obtaining substitutes for their classroom, works best in my experience. This process must be done in teams, by grade levels and include the ELL and Special Education educators with the administrator for optimum results. The findings must be documented and shared with the School Improvement Team, then finally with the rest of the staff members. Ownership of the achievement must be embraced by every staff member in the building including custodians, food service and paraprofessionals.

As I studied our data and compared it to our programming, there was a glaring observation. Many more students needed more time and support with literacy than we were providing. We were servicing a limited number of students with Reading Recovery. Many more needed services. I concluded that it was time for a literacy revolution!

The reading teacher and I made an executive decision to modify the reading program to maximize the number of students that could be serviced. We initiated our own program which we named the Backpack Reader program and utilized the reading staff as a team that in addition to the classroom teacher would go into every K-2nd grade classroom daily. Every day students chose an appropriate level book to read with a team member. During that time, the team provided mini lessons and reading strategies. The student took the book home to read, and a parent/guardian signed daily when they read with the student. The book is brought back to school and read with a team member for the third time. The students progress up in levels until they are reading independently and can check out books on their own from the library. The Backpack Reader program produced amazing results and increased reading growth such that every first grader was reading at grade level by the end of the year, including ELL and Special Education students.

School Improvement Team Goals:

The data analysis findings from each grade level must be presented to the School Improvement Team (SIT). Since each team includes one teacher representative from each grade level, an ELL teacher, a Special Education teacher, an elective teacher representative and the Reading teacher (if applicable), the analysis of the data is comprehensive. The key to the success of this team is that the entire school is represented and is part of the decision making process for the yearly goals. This ensures that special populations are addressed.

The SIT then develops the yearly goals based on the data analysis. Each goal has to be specific to every grade level and measurable by marking period. For example, once we realized graphing skills were a deficiency throughout our student population, we set a goal that every grade level would include one graphing activity per marking period. We were specific: 1st marking period would be a Social Studies graphing activity, 2nd marking period would include a graph from the science content, 3rd marking period from Language Arts and 4th from Math. Integration of the

subject areas was important and based on research, for higher level learning and retention.

I then incorporated the SIT goals into my teacher evaluations. During observations, I requested each teacher conduct a lesson that easily identified and emphasized a SIT goal. This included ELL and Special Education classrooms.

Create positive culture:

This is an area that is underestimated in schools. However, every highly effective school that has overcome diverse challenges understands that it is essential to believe that all students can learn regardless of their individual needs.

During my principalship, I was intentional about creating a positive culture. I implemented the FISH philosophy that focused on being there for one another as staff members. That also included supporting teachers when their student's demonstrated unacceptable student behavior and following through with consistent corrective discipline. Increasing and maintaining student achievement is hard work. Teachers need to feel safe, empowered and appreciated. Remembering birthdays with treats, sending Thanksgiving letters to family members and notes of acknowledgement in mailboxes all helped in establishing a positive climate.

Continuous Learning Environment:

It is enlightening to realize that most veteran teachers with continuing certificates have not returned or taken a college credit class since they graduated from college. The best way to learn new strategies and be inspired by others is to read and study from them. I introduced the staff to book studies, both at staff meetings and afterschool. I read a chapter of *The Essential 55* by Ron Clark to my staff at every meeting and then we implemented its strategies for diverse communities. They worked! Afterschool, we read *There Are No Shortcuts* by Raffe Esquith, a teacher from inner city Los Angeles. The success of his ELL students motivated us to go above and beyond.

Finally, I modified the schedule to provide each grade level common collaboration time during the day. There was some resistance at the beginning because traditionally teachers had always worked in isolation as individual experts. However, as they started sharing activities, lessons and strategies, that worked slowly. The collaborative teams realized they each had individual natural strengths and weaknesses, that they could help one another, primarily in the area of ELA/SS and Math/Science. Then, vertical alignment started taking shape. As the teams discussed gaps in learning, they realized they needed to talk with the grade levels above and below them. Finally, they sought out all of their resources, including the ELL and Special Education teachers for assistance.

Parent Involvement:

When parents are surrounded with poverty, it complicates things for educators. Our parents are working two and three jobs. When they are sleeping, their children are in school. When they are awake and working, their children are at home. And many do not know or understand the English language. Parents need to feel welcomed into our school environment and need to be educated on the importance of being involved as a part of the school.

We initiated Family Reading and Math Nights where we demonstrated strategies that parents could easily implement at home with commonly used products. For example, we showed them that shaving cream is a fantastic way to learn spelling or sight words. We translated everything and we provided dinner every time because if you feed them, they will come!

Remember the Backpack Reader program? This is a perfect example of how we had to educate our parents. When we initiated this program, we had very little support from the parents. They were not reading with their children, not signing that they read with their children, and failing to return the books. Instead of stopping the program, we educated the parents instead by incorporating the importance of reading into every opportunity we had: classroom newsletters, building-wide newsletters, PTO meeting presentations, family nights, drop off and pick up time, at breakfast, etc. It worked so well that by the end of the year, the parents were calling us if the book was not in the backpack!

The results? In 2005, when I left North Godwin for the Central Office our achievement was simply outstanding. We were recognized as a Top Performing School by the Just for the Kids Foundation. Our students, including ELL and Special Education students, were and still are, outperforming similar students throughout the state. 85% of students met or exceeded state reading standards and 87% met or exceeded state writing standards in 4th grade (compared to 50% in 2000). 75% of students met or exceeded state Social Studies standards in 5th grade (compared to 6% in 2000).

Changes in instructional practice—as assistant superintendent

In 2005, I packed the lessons I had learned from being a principal brought them to the Central Office.

Analyze past and present data:

I instituted district-wide early release once a month where students are dismissed at 1:30 p.m. and teachers stay until 4:15 p.m. for collaboration. It allows all teachers, including Special Education and ELL teachers to collaborate not just as a building, but as a district and we can align the curriculum vertically as well. The Professional Learning Communities (PLC) philosophy and practice has dramatically changed the way our educators teach and virtually eliminated the teaching in isolation practices. Teachers are sharing what works and modifying their instruction based on their discussions with one another, and most importantly they are incorporating the SIT goals. The result? Increased achievement for all students including diverse subgroups.

School Improvement Team Goals:

At the district level, the school improvement team goals have to be woven with the Board of Education goals. Our board has consistently focused on improved reading goals. As the new curriculum leader for the district, I knew what worked from my work at the building level. We had to implement successful programs such as the Backpack Reader and Accelerated Reader district wide at all three elementary buildings. We provided training for all teachers and set minimum usage expectations per grade level. On a weekly basis, I check the Accelerated Reader Dashboard for individual teacher participation and success index (how well the students performed on their reading quizzes) for all K-8 classrooms. Additionally, we incorporated another software component specifically for ELL students that focuses on vocabulary building called English in a Flash. The results have been increased reading scores on the MEAP state assessment district wide for all students, including our diverse subgroups.

Continuous Learning Environment:

Most recently, we have incorporated the Response to Intervention (RtI) program in all of our schools. It has proven to be extremely successful due to the daily intense, targeted lessons and the progress monitoring built into the program. It has allowed us to identify the foundational skills necessary for long term proficient readers. Prior to RtI, our reading revolution produced good readers, but we noticed that we saw a drop in third grade reading skills. We now realize, thanks to RtI, that we were missing some steps in the continuum critical to long term reading success. At any point in the school year, we know exactly where all of our students are on the reading continuum. As a result, we have seen a decrease in Special Education referrals.

When we analyzed our data, our ELL students needed more time and support. District wide, we implemented before and/or afterschool tutoring for our ELL students this school year, utilizing Title III Immigrant Funds. We are focusing on targeted areas where they are not meeting expectations in their content areas. Classroom teachers re-teach lessons not mastered utilizing a variety of differentiation strategies to master the content. The teachers have already provided feedback that confirms the extra time and support is working. Pre and post assessments prove that the students are obtaining mastery on a weekly basis, simply by receiving more time and support.

Teachers and administrators also need time and support to maximize their effectiveness. Although as a novice administrator, I sent teachers to conferences and workshops as they requested, now I send only teams of new teachers to a conference each year. The remainder of our professional development practice involves:

1. Training all teachers (including ELL and Special Education staff) at the same time
2. During the school day
3. Based on needs from data analysis
4. With an implementation plan and clear expectations articulated and
5. With follow up training throughout the school year(s).

During the past several years our district's professional development has focused on writing and literacy. We have discovered that teachers working with consultants that come to our district for building wide or district wide training is very effective; much more effective than the singleton conference approach. For our administrators, the professional development has focused on instructional leadership versus management utilizing Marzano's research. We emphasized that leadership is not about us as administrators, but rather about empowering others.

Results, Reflections, and Recommendations:

I have attached our MEAP state assessment results from 2005 to the present. Longitudinally, you will see that we have made significant gains. Keep in mind that the growth has occurred during financially troubling times of yearly budget cuts, yearly increases to our free and reduced lunch counts, and a growing ELL population. This type of achievement is not easy when you consider the expanding challenges facing our district every year. However, what I have tried to explain to you is that effective teaching can close the achievement gap in any diverse group!

Now that I have made it perfectly clear that it can be done, allow me to identify some recommendations that would assist us in the field to continue to make it happen. Understanding that life is not fair, please, please, please acknowledge the fact that districts with diverse populations must work twice as hard to produce the results that are expected. Consider for a moment a fourth grade teacher that welcomes several new refugee or immigrant students into their classroom at the beginning of the year. Even though the new students have no prior knowledge of the English language, the teacher goes above or beyond to teach the students on a daily basis. The school provides ELL, RtI Tier 1, 2 and 3 services, Backpack Reader, Accelerated Reader, Accelerated Math, English in a Flash, before, lunch and after school tutoring. The students make miraculous gains of 2 to 3 year gains * * * but they are still at a second or third grade level! We understand and welcome accountability, but modifications are necessary to acknowledge of schools and students working hard to close the achievement gap.

As I have a special place in my heart for English Language Learners (ELL), allow me to make three final recommendations for this population:

- Permit states to include growth in their accountability systems, rewarding districts and schools who are making progress. This is an important tool for measuring the success of English Language Learners.
- Increase resources for the Title III program to help states and school districts provide English language instruction programs for English Language Learners and provide more professional development for the teachers working with these diverse learners.

Thank you for the opportunity to share some of the successes we have enjoyed at Godwin Heights Public Schools. It is indeed a tribute to all of the hard work and dedication of our excellent teaching and staff members. You may contact me at diaz@godwinschools.org with any further questions.

Chairman KILDEE. Thank you very much.
Dr. Kearns?

**STATEMENT OF JACQUI FARMER KEARNS, ED.D., PRINCIPAL
INVESTIGATOR, NATIONAL ALTERNATE ASSESSMENT CENTER**

Ms. KEARNS. Thank you, Chairman Kildee, Ranking Member Castle, and all the members of the subcommittee for inviting me to testify this morning.

I am here today to discuss the importance of including all students with disabilities fully and equitably in assessment and accountability systems. I am fortunate to work in collateral with nationally recognized experts in education, measurement and curriculum to regularly review and discuss the research in this area.

Currently, students with disabilities participate in accountability systems in one of four ways: general assessment; general assessments with accommodations; alternate assessments on modified achievement standards in a few states, the 2 percent test; and alternate assessments on alternate achievement standards, the 1 percent test.

Eighty-five percent of students identified under the IDEA do not have intellectual disabilities that should prevent them from achieving at grade level. They should participate in general assessments with or without accommodations.

A number of states have conducted an analysis of their general assessment data by identifying learners who are persistently low

performing. Over and over again, states have been surprised to find that this group includes both students with and without disabilities. These students are more likely to be male, represent a minority, economically disadvantaged students, or have a disability.

Unfortunately, many students represent all these characteristics. There is a chart representing these data in my written testimony.

Teachers at schools that have successfully closed the achievement gap for these students include the following: alignment of curricula with state standards, inclusion of students with disabilities in general education classes with appropriate support, and use of student assessment data to inform decision-making.

For the purposes of system accountability, we absolutely need to know where every student is in relation to the standards of their enrolled grade on a summit of assessment. For other purposes, including diagnostic and instructional planning on interim, benchmark or formative basis, we may find other tests helpful, but care has to be taken not to lower the expectations or academic targets.

It is true that some students with disabilities who are among the students who can attain grade-level achievement are most challenging to assess. This group includes children with hearing and vision disabilities, but also some students with learning disabilities and intellectual disabilities.

Consider Lizzie, a young lady with a severe learning disability. She comprehends on grade level, but needs accommodations to demonstrate her knowledge, yet accommodations for reading are not allowed for the test in her state. None of the current state assessment options can produce a valid set of results to accurately represent her achievement level.

Consider Megan, a student with Down syndrome, an intellectual disability. Because Megan had access to high-quality instruction, individualized support and services, and the opportunity to learn from the general curriculum, she graduated from high school with a standard diploma in a state with high standards and is attending college.

Career and college-ready achievement is well within the reach for students like Megan. Our obligation is to ensure that she and others like her are prepared to reach these goals. ESEA should continue to ensure that schools are accountable for the academic achievement and graduation rates of all students, including students with intellectual disabilities.

Other students with intellectual disabilities participate in alternate assessments on alternate achievement standards. This is the 1 percent test. It may surprise you to learn that the largest group of these students with the most significant cognitive disabilities, about 70 percent, can communicate, read sight words, and solve math problems with a calculator. I have included a chart representing these data in my written testimony before you.

Consider Bruce. Bruce is a student with significant disabilities. Bruce is not provided with assistive technology to communicate until late in high school. In the video clip, you will see that Bruce is answering questions about predicted and actual temperature within days of receiving his device.

[Begin video.]

VOICE. Let's look at October 20th. Were the forecasted and actual temperatures high, low or about the same?

VOICE. The forecasted and the actual temperatures were the same.

VOICE. Very good. Now, look at these forecasted temperatures. Okay? Looking at them? How many days was the forecasted temperature higher than the actual temperature?

[End video.]

Ms. KEARNS. Low expectations and segregation have denied Bruce access to the general curriculum. Sadly, he will exit this school this year without a high school diploma, greatly limiting the opportunities available to him. Bruce's story illustrates a classic example of the failure of the IEP team and why access to the general curriculum is so important.

We continue to hold schools accountable for all these students. The challenge of high expectations is being met in many places with leadership and hard work. In large part because federal law has required transparency and accountability for all students, children with disabilities are showing us what they know and can do, often exceeding our expectations. We must continue to hold schools accountable for the education of all students. Their futures depend on it.

Thank you.

[The statement of Ms. Kearns follows:]

Prepared Statement of Jacqui Farmer Kearns, Ed.D., Principal Investigator, National Alternate Assessment Center, U.S. Department of Education

Thank you Chairman Kildee, Ranking Member Castle and all the Members of the Subcommittee for inviting me to testify this morning.

I am currently the Principal Investigator for the US Department of Education Office of Special Education Programs funded National Alternate Assessment Center (NAAC), a research center on alternate assessments, and a General Supervision Enhancement Grant assisting five states in developing validity evaluations for their alternate assessments on alternate achievement standards at the University of Kentucky. I have completed three other federal research initiatives about alternate assessment and universally designed, technology-based general assessments. In the early 1990's, I played a key role in the design and implementation of the first alternate assessment used in an accountability system during Kentucky's Education Reform Act (KERA). When the IDEA was reauthorized in 1997 and included the provision for alternate assessment, I assisted a number of states in the design, implementation, and evaluation of alternate assessments as Associate Director of a university-based assessment design group at the University of Kentucky. I have authored and co-authored research publications including the first text on alternate assessment and, more recently, a new text on alternate assessment and standards-based instruction. I have extensive experience in providing professional development support to teachers serving students with significant cognitive disabilities and to principals regarding the implementation of inclusive education and access to the general curriculum. I am a third generation educator, with 9 years of direct classroom experience teaching students with significant cognitive disabilities. Finally, I am the parent of a child recently diagnosed with Attention Deficit Hyperactivity Disorder, who received services through Response to Intervention (RTI) through his second grade year and has been referred for evaluation under the IDEA. However, in my testimony this morning, I am representing myself, and not the University of Kentucky or the multiple projects on which I work.

Today's Focus. I am here today to discuss the importance of including ALL students with disabilities fully and equitably in assessment and accountability systems. These systems must include challenging content standards, progress and proficiency measures, participation, and data reporting. To do otherwise, places the entire population at risk for a variety of serious consequences as they leave school unprepared for the educated world that waits them. I have brought with me some students

whose stories will help us understand the complexities of the issues that face us. I will describe the challenges and possible solutions for students with disabilities who are “persistently low performers” and lessons learned from schools who have successfully closed the achievement gap. Next, I will introduce Lizzie, a student with a learning disability. Lizzie teaches us the importance of designing solutions for assessments that accommodate the widest array of possible users, so students can show what they know and can do. Megan reminds us that high expectations can result in students who can and do exceed our expectations. Finally, Bruce a student in an alternate assessment teaches us that IEP teams can’t do it by themselves. My area of expertise is alternate assessments and students like Bruce. I am fortunate to work in collaboration in collaboration with national special education, measurement, and curriculum experts.

How Do Students with Disabilities Participate in Accountability?

Currently, students with disabilities participate in the accountability system in one of four ways: 1) general assessments, 2) general assessments with accommodations, 3) alternate assessments on modified achievement standards, and 4) alternate assessments on alternate achievement standards. Eighty-five percent (85%) of students identified under the IDEA do not have intellectual disabilities that should prevent them from achieving at grade level. This includes students with learning disabilities, who comprise nearly half of the IDEA population, as well as students with physical disabilities, vision and hearing impairments, emotional and behavioral disabilities, and even some students with mild cognitive impairments.

Persistently Low Performing. A number of states considering the 2% flexibility have conducted an analysis of their general assessment data by identifying learners who are “persistently low performing” (Gong, Marion, & Simpson, 2006). Over and over again, states have been surprised to find that this group of persistently low performers includes BOTH students with and without disabilities. Furthermore, these students are disproportionately representative of males, minorities and disadvantaged as identified by Free and Reduced lunch, as well as students with disabilities (Lazarus, Wu, C., Altman, & Thurlow, 2010). Researchers from the National Center on Educational Outcomes presented the data from five states considering these students. The charts in Figure 1 illustrate these data.

Characteristics of Students who are “Persistently Low Performing”

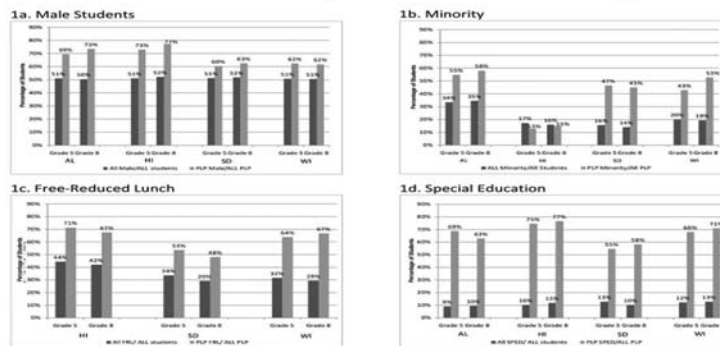


Figure 1. Percentage of Students with Selected Demographic Characteristics: All Students and Persistently Low Performing (PLP) Students, Reading, Grades 5 and 8

Lazarus, S., Wu, Y.-C., Altman, J., & Thurlow, M. (2010). *NCEO brief: The characteristics of low performing students on large-scale assessments*. Minneapolis, MN: University of Minnesota, National Center on Educational Outcomes.

As the layers of the data unfold, researchers have discovered that many of these students have not had access to high quality curriculum or instruction. Meanwhile, schools across the nation ARE CLOSING THE ACHIEVEMENT GAP for historically low-performing students with and without disabilities—through leadership and hard work to improve their educational opportunities. From these data, and similar data from other investigations it is clear that providing accountability “relief” to schools for these students with disabilities while other schools can and do help these students achieve is unwarranted and counterproductive for inclusive accountability policy.

Studies of Low Performing Students. States have studied the extent which students with disabilities are low performing students, in an effort to design alternate assessments based upon modified achievement standards for the 2% flexibility that is currently allowed under the ESEA regulations (Fincher, 2007; HB Study Group from Colorado, 2005; Marion, Gong, & Simpson, 2006; New England Compact, 2007). Researchers at the National Center for the Improvement of Educational Assessment (NCIEA) conducted one of the first of these investigations. These researchers found that the scores of students with disabilities were distributed all across the scaled scores, as are the students without disabilities. (Marion, Gong, & Simpson, 2006). This study foreshadowed results of studies in multiple states: the lowest performing students on state assessments under NCLB are not only, or even primarily, students with disabilities. Perie (2009) summarized data mining approaches in Georgia and South Carolina. Georgia mined data from three years of the state test, identifying persistent low performers in grades 5 and 8 as students scoring in the lowest of three achievement levels. South Carolina looked at grades 4 and 7, identifying students with two years of data scoring in the lowest of four achievement levels. In both states, the percentage of students with disabilities represented 39% to 55% of all students in the lowest achievement levels, adjusting for variations in test cut scores.

Closing the Achievement Gap. Current accountability definitions require that schools ensure that students with disabilities achieve proficiency through access to the same challenging curriculum as their peers. Schools that are succeeding have recognized the importance of integrating the content standards into a challenging curriculum for all students, and providing access to students with disabilities through individualized and appropriate services, supports, and accommodations identified by the Individualized Education Program team so that each student can be successful.

Special education as typically practiced in this country has questionable effectiveness. Access to the general curriculum at grade level is an essential component of accountability that cannot be understated. A new study by Morgan, Frisco, Farkas, and Hibel (2010) found that students who were identified for special education services had significantly lower reading achievement after receiving those services from 2002-2004 than their peers with similar learning and demographic characteristics who did not receive special education services. The National Association of School Psychologists (2002) has found that labeling of students tends to result in lowered expectations, fewer typical peer relationships, and a lack of curriculum integrity.

We have examples of how system accountability the past decade has resulted in significant reductions of the achievement gap between students with and without disabilities in schools where special education practice has changed. An Association of Curriculum Development Association (ASCD) longitudinal study of schools in Rhode Island found that 100 of the 320 schools had show a dramatic closing of the achievement gap by students with disabilities (Hawkins, 2007). The 2004 Donahue Institute study and the 2009 Ohio Follow up Study on Students with Disabilities had similar findings. Indeed, closing the achievement gap between children with and without disabilities is an articulated goal in schools across the country, although some school leaders continue to resist taking responsibility for these students. Features of these schools that have successfully closed the achievement gap include the following: 1) alignment of curricula with the state standards, 2) inclusion of students with disabilities in general education classes with appropriate supports, 3) use of student assessment data to inform decision-making, 4) disciplined social environment, and 5) strong leadership teams (Hawkins, 2007; Pritchard Committee, 2005).

It is important to note that schools that have achieved the goal of closing the achievement gap for their sub-groups including those with disabilities have done so in part by changing the way they think about the children who challenge our educational system. They did not seek "relief" from accountability or lower their expectations for student achievement.

Students Who are Challenging to Assess. Some students with disabilities who are among the students who can attain the grade-level achievement are challenging to assess. This group includes children with hearing and vision disabilities, but also some students with learning disabilities.

- **Consider Lizzie.** Lizzie is a middle school student who has a severe learning disability that affects her ability to read. Despite intensive efforts to improve her reading, her conventional reading skills are still well below grade-level achievement. However, her comprehension of oral text is well within grade-level achievement and will be a strength on which she builds toward college and career readiness for a lifetime. Accommodations for reading are not allowed for the test in her state. Test day is extremely frustrating for Lizzie and her teachers. Providing an out-of-level grade

assessment which measures conventional reading but does not measure comprehension commensurate with her grade will NOT provide an accurate assessment of her performance. The resulting data will not encourage her teachers to build the skills she needs for her future.

Assessment Options. As the description of Lizzie illustrates, none of the current state assessment options would have produced a valid set of results to accurately represent her achievement level. The State has not provided adequate accommodations policy to meet her needs. An out of level assessment, or even a self-leveling assessment, would not appropriately demonstrate her performance.

For a variety of reasons, a one-size-fits-all approach will likely never have the precision to assess the widest array of possible students. For the purposes of SYSTEM accountability we absolutely need to know where students are in relation to the standards at their enrolled grade on a summative assessment. For OTHER purposes, including diagnostic and instructional planning on an interim, benchmark or formative basis, we may find other tests helpful, but care has to be taken to avoid lowering expectations and academic targets.

Use of Accommodations. The research on the use of accommodations during assessment is increasingly more sophisticated and refined (Thompson, Morse, Sharp, & Hall, 2005). The use of accommodations during assessments should be built on the foundational assumption that students with disabilities must be expected to demonstrate achievement in the same content as other students and thus the content targets should not be changed by the accommodations, accommodations used in assessment should also be used during instructional assessment as a matter of practice, and that accommodations decisions are specific to individual students. Accommodations should be used consistently and the use of them and the need for them evaluated regularly. Ultimately, the use of an accommodation should not prevent the student from mastering the content or limit the student's pathway to learning future content (Thompson, Morse, Sharp, & Hall, 2005). Finally, deep understanding of the content is essential for making appropriate accommodations decisions.

Growth Model Designs. We often hear teachers comment "he has grown so much over the year" and the assumption is to measure that growth for these populations. No doubt the teacher's observations are reliable, but the assumptions about using a "growth model" design to measure this must consider the variety of pathway that defines progress across the widest array of student users. Growth model designs are based on the theoretical assumptions of norm referenced assessments. Most students with disabilities were not included in normative samples (Hill, Gong, Marion, DePasquale, Dunn, & Simpson, 2005). An accurate description of the pathway to academic competence is an essential component of "growth model" assessment designs (Betebenner, 2005; Hill, Gong, Marion, DePasquale, Dunn & Simpson 2005). This is because for most students with disabilities like those described today, something is missing from the pathway that we need to understand in order to build a fully valid growth model assessment. In many states, research suggests that this missing piece is effective instruction and access to the curriculum. Still, we know that we do NOT know all we should about how to ensure students like Lizzie can first learn and then show what they have learned on state tests. This is also true for students with significant cognitive disabilities in AA-AAS who take alternate assessments on alternate achievement standards where less evidence to support the curricular pathway exists.

Career and College Ready. According to the National Transition Technical Assistance Center data, the predictors of post secondary education for students with disabilities depends to a large extent on the following factors: 1) participation in the academic curriculum, 2) performance in reading, writing, and math, 3) placement in general education 4) high school diploma (Baer, 2002; Raybren, 2005). As would be expected, similar factors are predictors of post school employment.

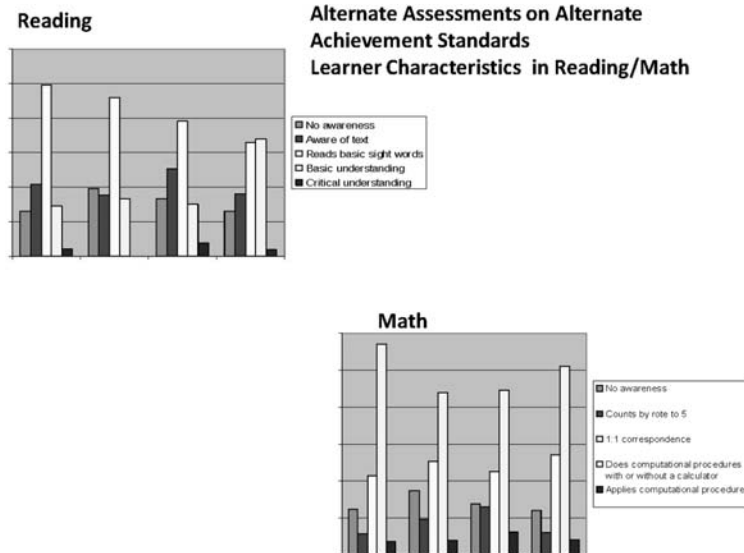
Intellectual Disabilities. Of the students with disabilities who DO have intellectual disabilities, some CAN achieve grade-level proficiency when given high quality instruction, individualized supports and services, and the opportunity to learn.

- Consider Megan. Megan graduated from high school with a standard diploma and is attending college. She has a disability commonly known as Down syndrome which is a chromosomal condition that typically but not always results in an intellectual disability.

If you are tempted to suggest that the standards for attaining a high school diploma must be low in her state, I assure you that the current graduation and drop-out rates in her state do not support that claim. The purpose of this example, is to challenge our understanding and beliefs about what students with intellectual disabilities given the right supports and expectations for achievement

Students with the Most Significant Cognitive Disabilities. The students with intellectual disabilities, who participate in alternate assessments on alternate achievement standards, represent at least two distinct groups of learners. We know that 70% of students participating in alternate assessments on alternate achievement standards can communicate, read basic sight words, and solve math problems with a calculator (Towles-Reeves, Kleinert, Kleinert, Thomas, in press) often beginning in elementary school.

FIGURE 2: READING AND MATH CHARACTERISTICS OF STUDENTS IN AA-AAS



The remaining 30% of this 1% of students in the AA-AAS do not use oral speech to communicate or in some rare cases respond inconsistently. Furthermore, more than half do not have augmentative communication systems. Of all the groups, we agree that this group is the most challenging to assess. However, vigilance is warranted because many students in this group have not received the services they need to communicate. This misidentification and failure of service is tragic but sadly not uncommon.

- Consider Bruce. Bruce a high school student who has cerebral palsy who does not use oral speech. His IEP team determined that he had an intellectual disability. He was dropped from speech/language therapy as a related service due to “failure to make progress in using oral speech”. He received educational services in a segregated class for students with significant intellectual disabilities with limited to no access to the general curriculum. A new teacher recognized that Bruce had not been appropriately identified or served, and requested the assistance of speech/language external to the school and district. As a result, Bruce received a touch screen computer with voice output communication device. In the video clip, you will see that Bruce is answering questions about predicted and actual temperature within days of receiving his device.

From his performance, it is clear that a series of unfortunate errors and low expectations from the IEP team across a number of years has reduced his ability to communicate, and thus has denied him access to the general curriculum. Sadly, Bruce will exit school this year without a high school diploma which will gravely limit the opportunities available to him after high school. Bruce’s story illustrates a classic example of the failure of the IEP team. IEP teams are limited by the knowledge they have available to them and the extent to which they access to high quality professional development and technical assistance. In most cases, neither professional development or technical assistance is available. Further, shift in system accountability to the IEP team would seriously threaten productive home/school partnerships and increase the probability of due process procedures, attorney involvement, and litigation. If the only place to ensure the system is accountable for a child is through the IEP team process, then all parents will bear a terrible burden

to ensure THEIR child benefits from a free appropriate education under IDEA. The research on the quality of the IEP team processes and outcomes suggests that, instead, parents will have to accept what schools choose to offer, regardless of what their child needs to be successful (Hunt & Goetz, 1989; Turner, Baldwin, Kleinert, & Kearns, 1997). Bruce's story illustrates this problem. For these reasons, we believe that the IEP is not a viable option as an accountability tool.

Alternate Achievement Standards. Students in alternate assessments on alternate achievement standards are among the most diverse of the assessed populations and the least is known about how they achieve competence in academic domains and the curricular pathways to academic competence. As described previously, the students who are emerging in their language development may require a different set of achievement expectations until consistent responding and engagement can be established. More than one alternate achievement standard is currently allowed under the 1% regulation, and that option should be continued to meet the needs of these students. While we continue to build the knowledge base around these instruments, maintaining the flexibility for setting multiple achievement standards for these assessments is warranted. Students with the most significant cognitive disabilities should continue to be engaged in reading, math, and science activities based on content standards that are chronologically age appropriate, linked to grade-level content, and consistent with what peers without disabilities are learning. This least dangerous assumption (Donnellan, 1984; Jorgensen, 2005) will safeguard their learning opportunities until more data are available.

Academic Content Standards Linkage. Earlier in this testimony, I reported data indicating that the majority of students (70%) in alternate assessments read sight words and solve math problems with a calculator (Kearns et. al. in press). Our data also suggest that the percentages of students performing these skills across the grade bands from elementary to high school do not appear to change much. While these data are not longitudinal, we would expect increased percentages of more difficult skills as students advance through the grades and decreased percentages of easier skills as students advance through the grades. These data suggest that performance may be essentially static, meaning that limited progress is made beyond elementary school (Kearns et. al). Despite the growing number of studies pointing to the effectiveness teaching students in this population academic content reading, math, and science (Browder, Wakeman, Y. Spooner, Ahlgrim-Delzell, & Algozzine, (2006); Browder, Spooner, Ahlgrim-Delzell, Wakeman, & Harris, (2008); Courtade, Spooner, & Browder, (2007); many continue to argue for functional skills. To counter that argument, Kleinert, Collins, Wickham, Riggs, & Hagar (in press) suggest that these skills are best embedded into naturally occurring routines across the student's day alongside academic instruction.

We recommend vigilance in maintaining a close linkage to grade-level academic content standards and consideration of achievement standards that mirror the highest achievement standard possible for this group of students.

Career & College Ready. As yet, limited data are available on extent to which students who participate in alternate assessments are prepared to transition from school to adult life. Current post school outcome data define a positive outcome as fully time enrollment in post secondary education or full-time employment. Few students in the 1% population achieve full-time employment or post secondary education (Newman, Wagner, Cameto, & Knokey, 2009; Wagner, Newman, Cameto, Levine, & Gazar, 2006). As a result, little is known about their post school outcomes. However, a Kentucky study in progress will consider the student interview data among students who participate in an alternate assessment for the ACT to describe current outcomes. The Kentucky Transition Attainment Record (TAR) includes transition student and IEP team interviews. Kearns, LoBianco, & Harrison (in preparation) found that the majority of these students plan to receive special education services through age 21. Roughly, two thirds of these students plan to have full or part time jobs and have identified supported employment as an important transition support. This figure compares to the majority of students in this population who read sight words and solve math problems with a calculator. An additional one third of students checked "stay at home", which also compares to the percentage of students who are pre and emerging symbolic language users.

The majority of these students selected job interests related to working with children, animals, or food service. When asked what they would like to learn more about in school, the most selected responses were 1) computers, 2) work experience, and 3) music and arts. These responses were followed by academic goals of reading, math and science. While these data are very preliminary, the Kentucky Department of Education has authorized a study to merge these data with other student assessment and transition data sources to provide a more complete picture of the transition outcomes for these students.

We want to build a vision that post secondary education is an option for all students including those with intellectual disabilities. Programs like Think College at Boston College or the Transition Program at Asbury College in Kentucky are making post secondary educational opportunities available to these students. Increasing post secondary opportunities for this population underscores the importance of academic instruction and vigilance in maintaining close alignment with content standards.

Alternate Assessments. Unlike students in the general assessment who respond independently to what are described largely as multiple choice or open response items, students in this population must rely on a direct observation by the teacher of the student engaging in the behavior or the teacher's recall of a student's previous performance. At this time, nearly all alternate achievement standards assessments are individually administered generally by building personnel and in most cases the student's teacher (Quenemoen, Kearns, Quenemoen, Flowers, & Kleinert, 2010). The level of teacher involvement in an accountability environment represents an inherent validity problem which must be accounted for in the assessment design (Gong, & Marion). However, given that the majority of this population (70% read sight words and solve math problems with a calculator) (Kearns et al. in press), it may well be possible for these students to respond independently using touchscreen, screen readers, and other use of technology. While the feasibility of this approach is unknown, given the rate of technology development, it is certainly worth consideration.

It is important to note that the name of an alternate assessment is also not necessarily an indicator of the quality of the assessment. All the nominal categories used to describe assessments for this population (portfolio, performance task, rating scale, multiple choice with picture choices), have relative strengths and weaknesses from a technical quality point of view (Gong & Marion, 2006). Technically sound assessments account for the weaknesses they present and clearly explicate the interpretations or inferences that can and cannot be made from the assessment results (AERA, APA, NCME Standards for Assessments, 1999). As a result many hybrid AA-AAS are beginning to emerge which may include features from multiple formats. While technical quality in AA-AAS continues to improve, poorly designed AA-AAS are simply poor assessments regardless of the name given to the assessment format. To that end, assessment format is less important than consistent use, achieving the intended purpose and consequences while minimizing negative consequences. Ultimately, the technical properties of an alternate achievement standards assessment format will be revealed in carefully planned and documented validity studies.

Who is Responsible for These Students' Success?

Research suggests that home/school partnerships are essential to promote achievement (Heward, 2009)). Our son John has a diagnosis of Attention Deficit Hyperactivity Disorder and is reading behind his peers. Through response to intervention, he has received intensive reading instruction by a reading specialist in addition to the supports he needs to access the general curriculum. The partnership that we have with his teacher and his reading specialist has resulted in steady progress. Should he qualify for services under the IDEA, we want to build partnerships with his teachers. Furthermore, we want his teachers to have high expectations for his performance, we want an accountability system that recognizes his participation, challenging academic standards, and well-designed progress and proficiency measures. We want to know where the achievement standard is, how close or far away his performance is from the achievement standard, and more importantly what we need to do to in partnership with his teachers to support his achievement. His future depends on it.

I want to acknowledge that the ESEA has a long history of supporting students with disabilities through the birth of the IDEA in the late 1970's through the current authorizations of both the IDEA and ESEA. Never in our history have children with disabilities been considered more a part of the essential elements of what we know as school Curriculum, Instruction, and Assessment. Indeed accountability has been largely responsible for giving students with disabilities access to challenging content, improved instruction, and highly qualified teachers. I see this discussion today as important in the continued progress toward achieving the goal of equal educational opportunities for all children.

REFERENCES

- AERA, APA, NCME (1999). Standards for educational and psychological testing. Washington, DC: American Educational Research Association.
 Betebenner (2005) Norm and Criterion Referenced Student Growth. <http://www.nciea.org/publications/normative-criterion-growth-DB08.pdf>

- Browder, D. M., Wakeman, S. Y., Spooner, F., Ahlgrim-Delzell, L., & Algozzine, B. (2006). Research on reading instruction for individuals with significant cognitive disabilities. *Exceptional Children*, 72, 392-408.
- Browder, D. M., Spooner, F., Ahlgrim-Delzell, L., Wakeman, S.Y. & Harris, a. (2008). A meta-analysis on teaching mathematics to students with significant cognitive disabilities. *Exceptional Children*, 74, 407-432.
- Courtade, G. R., Spooner, F. & Browder, D. M. (2007). A review of students with students with significant cognitive disabilities that link to science standards. *Research and Practice in Severe Disabilities*, 32, 43-49.
- Donahue Institute. (2004, Oct). A study of MCAS achievement and promising practices in urban special education: Report of field research findings (Case studies and cross-case analysis of promising practices in selected urban public school districts in Massachusetts). Hadley, MA: University of Massachusetts, Donahue Institute, Research and Evaluation Group. Available at: <http://www.donahue.umassp.edu/docs/?item=id=12699>
- Donnellan, A. (1984). The criterion of the least dangerous assumption. *Behavioral Disorders*, 9, 141-150.
- Fincher, M. (2007). "Investigating the academic achievement of persistently low performing students" in the session on Assessing (and Teaching) Students at Risk for Failure: A Partnership for Success at the Council of Chief State School Officers Large Scale Assessment Conference, Nashville TN, June 17-20, 2007. Retrieved August, 2007, from: <http://www.ccsso.org/content/PDFs/12%2DMelissa%20Fincher%20Paul%20Ban%20Pam%20Rogers%20Rachel%20Quenemoen.pdf>
- Gong, B., & Marion, S. (2006). Dealing with flexibility in assessments for students with significant cognitive disabilities. Dover, NH: National Center for the Improvement of Educational Assessment. (PDF : 202 Kb)
- Hawkins, V. J. (2007). Narrowing gaps for special-needs students. *Educational Leadership*, 64 (5), 61-63.
- Heward, W.L. (2009). Collaborating with parents and families in a culturally and linguistically diverse society. In W.L. Heward, *Exceptional children: An introduction to special education* (pp. 88-126). Upper Saddle River, NJ: Pearson Education.
- Hill, Gong, Marion, DePasquale, Dunn & Simpson (2005) Using Value Tables to Explicitly Value Student Growth. <http://www.nciea.org/publications/MARCES-RH07.pdf> retrieved 03/09
- HB 05-1246 Study Committee (2005, December 31). Assessing "students in the gap" in Colorado. Retrieved May, 2006, from <http://education.umn.edu/nceo/Teleconferences/tele11/ColoradoStudy.pdf>
- Jorgensen, C. (2005). The least dangerous assumption: A challenge to create a new paradigm. *Disability Solutions*, (6) 3.
- Kearns, J., LoBianco, T. & Harrison, B. (in preparation). An analysis of transition outcomes for students with significant cognitive disabilities in Kentucky. Lexington: University of Kentucky.
- Kearns, J., Towles-Reeves, E., Kleinert, H., Kleinert, J., & Thomas, M. (in press). Characteristics of and implications for students participating in alternate assessments based on alternate achievement standards. *The Journal of Special Education*.
- Kleinert, H. Collins, B. Wickham, D. Riggs, L. & Hagar, K. (in press). Embedding life skills, self-determination, and enhancing social relationships and other evidence-based practices. In H. Kleinert & J. Kearns, (in press). *Meaningful outcomes for students with significant cognitive disabilities: Alternate assessment on alternate achievement standards*. Baltimore: Paul Brookes.
- Lazarus, S., Wu, Y.-C., Altman, J., & Thurlow, M. (2010). NCEO brief: The characteristics of low performing students on large-scale assessments. Minneapolis, MN: University of Minnesota, National Center on Educational Outcomes.
- Marion, S., Gong, B., & Simpson, M. A. (2006, Feb. 6). Mining achievement data to guide policies and practices on assessment options. Teleconference on Making Good Decisions on NCLB Flexibility Options. Minneapolis: National Center on Educational Outcomes. Retrieved April, 2009, from <http://education.umn.edu/nceo/Teleconferences/tele11/default.html>
- Megan's Story: A Study in Postsecondary Education for Persons with Intellectual Disabilities. University of Kentucky : Interdisciplinary Human Development Institute. Retrieved from <http://www.hdi.uky.edu/Media/MegansStory.wmv>
- Morgan, Frisco, Farkas, & Hibel (2010). A propensity scoter matching analysis of the effects of special education. *Journal of Special Education* 43 (4), pp. 236-254.
- National Association of School Psychologists (NASP). (2002). Position statement: Rights without labels. Original statement adopted by NASP Delegate Assembly

- in 1986. Revision adopted by NASP Delegate Assembly, July 14, 2002. Retrieved March 10, 2009, from <http://www.nasponline.org/about—nasp/pospaper—rwl.aspx>
- New England Compact. (2007). Reaching students in the gaps: A study of assessment gaps, students, and alternatives. (Grant CFDA #84.368 of the U.S. Department of Education, Office of Elementary and Secondary Education, awarded to the Rhode Island Department of Education). Newton, MA: education Development Center, Inc.
- Newman, L. Wagner, M. Cameto, R. & Knokey, A. (2009). The post high school outcomes of youth with disabilities up to 4 years after high school. A report of findings from the national longitudinal transition study-2. Retrieved from www.nlts2.org/reports/2009—04nlts2—report—2009—04—complete.pdf.
- 2009 Ohio Followup Study on Students with Disabilities
- Perie, M. (2009). Understanding the AA-MAS: How does it fit into a state assessment and accountability system? Presentation to CCSO SCASS meeting, February 4, 2009.
- Perie, M. Marion, S. & Gong, B. (2007). A framework for considering interim and benchmark assessments. The National Center for the Improvement of Educational Assessment. <http://www.nciea.org/publications/ConsideringInterimAssess—MAP07.pdf>
- Quenemoen, R. (2010). Who are the students taking modified achievement standard assessments.
- Thompson, S.J., Morse, A.B., Sharpe, M., & Hall, S. (2005). Accommodations manual: How to select, administer, and evaluate use of accommodations for instruction and assessment of students with disabilities. Washington, DC: Council of Chief State School Officers, ASES SCASS. Also available from OSEP toolkit at <http://www.osepideasthatwork.org/toolkit/accommodations—manual.asp>.
- Thompson, S.J., Johnstone, C.J., Anderson, M. E., & Miller, N. A. (2005). Considerations for the development and review of universally designed assessments (Technical Report 42). Minneapolis, MN: University of Minnesota, National Center on Educational Outcomes. Retrieved [03/13/2010], from the World Wide Web: <http://education.umn.edu/NCEO/OnlinePubs/Technical42.htm>
- Thurlow, M. L., Moen, R. E. Liu, K. K., Scullin, S., Hausmann, K. E., & Shyyan, V. (2009). Disabilities and reading: Understanding the effects of disabilities and their relationship to reading instruction and assessment. University of Minnesota: Partnership for Accessible Reading Assessment.
- Wagner, M. Newman, L. Cameto, R. Levine, P. & Gazar, N. (2006). An overview of the findings from wave 2 of the national longitudinal transition study-2 (NTLS-2). Retrieved from the www.nlts2.org/reports/2006—08nlts2—report—2006—08—complete.pdf

Chairman KILDEE. Thank you.
Dr. Curry?

STATEMENT OF DANIEL CURRY, SUPERINTENDENT, LAKE FOREST SCHOOL DISTRICT

Mr. CURRY. Good morning, Chairman Kildee, Mr. Castle, members of the committee. My name is Dan Curry. It has been my pleasure—I often say I have the best job in the world—to be superintendent of Lake Forest School District since 2003.

Prior to that, I served 15 years in that same capacity in my home state of West Virginia in districts ranging from 1,500 students to 15,000 students, the most rural of which is considered the most rural school district east of the Mississippi, I understand, with 1.3 children per square mile.

First, let me say that ESEA allocations have always been a godsend to rural school districts. It is the nature of rural school districts to have high instances of poverty and low property values, leading to limited resources collected through property tax.

Central office staffs are often small, and they wear multiple hats. For my 6 years in the central office in Pocahontas County, I think

I did virtually every assignment there would be, including, as Mr. Castle, mentioned, I did drive a bus on occasion.

Rural superintendents I have talked to all agree that formula funding is the fairest means of distribution of ESEA funds. We fear that turning to competitive grants might leave rural districts at a disadvantage to compete. Most don't have grant writers, nor do they have the resources to dedicate to them.

Spending time and money to go after grants we may not get is a poor use of human capital, especially during this economic downturn. It will do nothing but broaden the gap between the haves and the have-nots.

I urge the committee to ensure that formulas are equitable for rural school districts. Specifically, the funding formulas should be based on percentages of poverty, not raw numbers. A poor student is a poor student no matter where they live and should not lose funding because they choose to live in a rural community.

The challenges facing rural schools are many. Recruiting and retaining teachers continues to be difficult for many. Some districts have no choice but to maintain small schools with small enrollment. Geographical isolation and transportation challenges make that so.

This leads to teachers who must teach multiple subjects and makes it almost impossible for them to meet the standard to be considered highly qualified.

First-time teachers willing to agree to any assignment for a chance to teach can find themselves committing to a heavy load of multiple class preps, while driving miles after work several days a week to take the necessary classes. In general, rural school districts face the same challenges when it comes to finding a sufficient candidate pool of qualified candidates for special education, math and science, in particular.

Rural surroundings are sometimes a deterrent to some candidates. Though they may be willing to go anywhere when looking for work, many will leave after a time, seeking easier access to basic amenities like grocery stores and shopping centers and theaters. And in addition, there is little focus by the teacher training programs to encourage candidates to take jobs in rural communities.

The rural school district student is like every other student in the United States, except he is accustomed to long rides on the bus. He wants to do well. He will respond to good teaching and high expectations and a climate that is supportive and challenging.

I urge you to take steps to see that student progress is measured by growth and achievement and that progress for students in special education be in accordance with the educational goals of their IEP.

When creating the new accountability system, I would like to remind the subcommittee to take into account the impact of small numbers of students. Rural schools are more likely to have small schools, small class sizes, and when using student assessment data for accountability or for tracking the progress of teachers, remember that the results of just one or two students can skew the results.

Finally, graduation rates. If we are to reach the administration's goal of college-and career-ready students, we need to let go of the expectation that all children will get that done in 4 years. Those of us who have sent our kids to college recently—and I am one—learn that they may need more than 4 years to complete college. The college degree earned in 5 years or 6 years has the same value as the one earned in 4.

Why then must we—while acknowledging that all children can learn, but they learn at different rates—be prodded to get every child through high school in 4 years? Many would be better served with a 5-year plan. Many, due to challenges at home, would like to be supported to attend high school on a part-time basis.

Any high school graduation, whether it takes 5 years, 6 years, or whether it is earned after taking a year off, should be celebrated. A mandated 4-year graduation requirement works against all we know and understand of how children learn.

Thank you for the opportunity to share with you today.

[The statement of Mr. Curry follows:]

Prepared Statement of Dr. Daniel Curry, Superintendent, Lake Forest School District, Kent County, DE

Good morning. My name is Dan Curry. I have served as superintendent of Lake Forest School District in Kent County, Delaware since the summer of 2003. I've been a school superintendent for 22 years, having served in that capacity for 15 years in my home state of West Virginia. Each district was uniquely different. Student enrollment ranged from 1500 to 15,000. One of those districts, Pocahontas County, is considered the most rural school district in the East with presently 1.3 students per square mile.

During my years as superintendent I have personally observed, and my districts have adjusted to, the change in philosophy from ESEA supporting and supplementing the work of the states and local school districts to ESEA mandating and directing the work of the school districts.

Lake Forest School district is a rural farm community around 12 miles south of Dover. We have around 3900 students in 166 square miles. Much of our land is dedicated to farming. We have huge fields planted mostly in wheat, soy and corn, but there are also plenty of fruits and vegetables. From 2004-2006 enrollment increased around 5% each year, and some of our fields gave way to sub-divisions.

The Lake Forest student population is 70% white, 25% African American and 5% all others. 43% of our children qualify for free or reduced priced meals at school. We have three primary schools with grades pre-K—3, one intermediate for grades 4—5, one middle school for 6-8 and one high school.

First let me say that ESEA allocations have always been a godsend to rural school districts. It is the nature of rural areas to have high instances of poverty and low property values, leading to limited resources collected through property taxes. Central office staffs are generally small and they wear multiple hats. While working in the central office in Pocahontas County, over several years I managed almost every program. I even drove bus on occasion. In some smaller school districts out west, they may share administrators or the principal might also be a teacher.

Rural superintendents I have talked to all agree that formula funding is the fairest means of distribution of ESEA funds. We fear that turning to competitive grants might leave rural districts at a disadvantage to compete. Most don't have expert grant writers nor do they have the resources to dedicate to them. Spending time and resources to go after grants we may not get is a poor use of resources especially during this economic downturn. It will do nothing but broaden the gap between the haves and the have not's.

I urge the committee to work to ensure that the formulas are also equitable for rural school districts. Specifically, the funding formulas should be based on percentages of poverty, not raw numbers. A poor student is a poor student no matter where they live and should not lose funding because they choose to live in a rural community.

The challenges facing rural schools are many. Recruiting and retaining teachers continues to be difficult for most rural school districts. Some districts have no choice but to maintain small schools with small enrollments. Geographical isolation and

transportation challenges make that so. This leads to teachers who must teach multiple subjects and makes it almost impossible for them to meet the federal highly qualified definition. Finding the necessary additional college classes to eventually earn highly qualified status or making them take multiple assessments to meet this arbitrary definition is also a challenge for the same reason. First time teachers willing to agree to any assignment for a chance to teach, can find themselves committing to heavy load of multiple class preps while driving miles after work, several days a week to take the necessary classes.

In general, rural school districts face the same challenges when it comes to finding a sufficient candidate pool of qualified candidates for special education, math and science. The rural surroundings are a deterrent to some candidates. Though they may be willing to go anywhere when looking for work, many will leave after a time, seeking easier access to basic amenities like grocery stores, shopping centers and theaters. In addition, there is little focus by the teacher training programs to encourage candidates to take jobs in rural communities.

Finding school leaders is much the same. I was first given an opportunity to be a principal in rural Pocahontas County at age 24 because there was absolutely nobody in the district with the licensure. I was willing to make that move and it turned out to be a great decision in my career, but not everyone would enjoy living and working in such a rural area.

The rural school district student is like every other student in the United States, except he is accustomed to long rides on the school bus. She wants to do well. He'll respond to good teaching and high expectations in a climate that is supportive and challenging. I urge you to take steps to see that student progress is measured by growth in achievement and that progress for students in special education be in accordance with the educational goals of their IEP as opposed to the goals of the average student.

My district last year had the highest percentage of 8th grade students scoring proficient in Math—we ranked 1st in the state. Our 8th grade writing scores were 2nd and reading scores ranked 3rd. Yet, my middle school did not make AYP. Why? Because our special education students did not meet the general population target for proficiency. Our special education students are learning and making great strides; however, we must measure them based on what they are learning.

When creating the new accountability system, I would just like to remind the subcommittee to take into account the impact of small numbers of students. Rural schools districts are more likely to have small schools and small class sizes. When using student assessment data for accountability, or for tracking the progress of teachers, remember that the results of just one or two students can throw off the results.

In addition, remember that every time the federal government requests data on an issue, there is someone in a school district that is now responsible for tracking that new item. While never bad on its own, when these data points are added up they have a huge burden on rural schools which often lack administrative staff. Instead, principals and sometimes teachers are running around to meet these data requests. This is time away from critical instruction. Please remember the impact at the local level when these data requests are made.

I would also like to mention my support on behalf of rural superintendents for the Rural Education Achievement Program. While my district does not receive this funding directly, a lot of my colleagues do. This important funding stream is the only federally dedicated funding stream for rural schools across the country, both small and high poverty. It provided them with critical formula dollars to help overcome the gap in federal funding and their geographic isolation. This program has proven to be a huge success story in the over 6,000 district's nationwide that support it. I urge the subcommittee to adopt HR 2446, the REAP Reauthorization Act, introduced by Representatives Pomeroy, Graves and Hare. This important legislation will make the minor necessary updates to this very important program.

Finally, graduation rates. If we are to reach the administrations goal of "College and Career—Ready Students" we need to let go of the expectation that all children will get it done in 4 years. Those of us who have sent our children to college in recent times have learned that many will need more than 4 years to earn a degree. The college degree earned in 5 years or 6 years has the same value as that earned in 4. Why then must we, while acknowledging that all children can learn, but they learn at different rates, be prodded to get every child through high school in 4 years? Many would be better served with a 5 year plan. Many, due to challenges at home, would like to be supported to attend high school on a part-time basis. Any high school graduation, whether it takes 5 years, 6 years or whether it's earned after taking a year off, should be celebrated. A mandated 4 year graduation requirement works against all we know and understand of how children learn and develop.

Thank you for the opportunity to share my thoughts with you today. I would be happy to take any questions.

Chairman KILDEE. Thank you very much.
Dr. Dale?

**STATEMENT OF JACK DALE, SUPERINTENDENT, FAIRFAX
COUNTY PUBLIC SCHOOLS**

Mr. DALE. Thank you, Chairman Kildee and Governor Castle, and members of the subcommittee. I appreciate the opportunity to address you this morning.

I would like to start with, Mr. Kildee, your comments at the beginning about how much of the United States now is a cross-section of the world and how important it is to prepare our children for the world, because I share that passion with you.

I would like to reflect a little bit on what we have all learned, I think, from the first round of No Child Left Behind high stakes accountability and then provide some of my thoughts for the future.

The first thing I think we have learned—and you can see from all of us is disaggregation. We pay very close attention to our subgroups. But I think the next iteration, the next level of disaggregation, is individual students, because behind every successful school in the United States is when they have peeled the onion back and disaggregated to individual students. And that is where our next area of emphasis should be.

We have also learned the importance of assessment. We have talked about the variety of assessments. Ms. Diaz has talked about the importance of data analysis, Ms. Kearns about the alternative assessments. And one of the things that we have learned in assessments is one size does not fit all. And what we have learned, though, is how much richer some of our assessments can be when we think about the needs of our individual children, and that is extremely important in this next iteration.

I am almost beginning to think, too, it is a little bit less important about the individuals we hire to be teachers and principals and maybe more important about what those people do once they are on the job.

I have found that our most successful schools are ones where the teams of teachers and principals are beginning to work diligently on individual student needs, individual student learning gaps, individual student assessment changes to get at what their children know, and I think that is the interesting thing that we need to keep perspective of.

The diversity—Fairfax County public schools, we have over 170,000 children. We do represent the nation. One place we are different—and I will make some comments about—is in our English-language learner population.

While we have a comparable percentage of our students who are English-language learners, we differ in that about 80 percent of our English-language learners are not U.S.-born students. They are immigrating to the United States, most recently even from Haiti.

But what we have learned with our English-language learners is how important it is to teach them English and how to ensure that they teach—or they learn English and that we can assess that

English-language progress and then begin to assess simultaneously in a phasing program their knowledge and background in literacy and in math and science and social studies, but they must master English, and we must have transitional assessments to accommodate that.

Our special education children are no different than whatever everybody else has talked about. One of the things I would note is in the nation we are becoming—I think we are having greater percentages of our children with greater needs. And so while a great proportion of our children can be assessed through the normal process, we are also beginning to see greater numbers of children who need alternative assessments so that we can communicate with them, they can communicate with us, and they can demonstrate the knowledge that they, in fact, have, so that alteration and assessments is extremely important.

We tried that in Virginia. We had a Virginia grade-level assessment, which was basically a portfolio assessment. Some people think it is suspect because it allowed greater passage rates. I think it is a step in the right direction, because it actually allowed children to demonstrate their deep understanding of the content that we are expecting them to learn. The normal testing mechanisms did not allow that particular exhibition of knowledge to take place.

Funding. Funding is always an issue. With stimulus funding, we have all benefited greatly through the increase in Title 1 and IDEA funds. We are all recognizing the cliff that is coming after one more year.

With IDEA especially, I think we should try and advocate for the continuation of that level of funding for our special needs children because, as I mentioned, we are having greater numbers of those children and we need to pay attention to their needs much more so.

A comment about assessments. Not only should we standardize those across the United States, as we are trying to do, and I can see the administration pushing us in that direction, a good thought, but we also need to push ourselves to look at world assessment. Things that we are looking at in terms of world assessments are pieces of the program for international student assessment or TIMS, the trends in international mathematics and science. We should be looking at some of those, as well as our U.S. based assessments.

Finally, I want to make a comment about college readiness. College readiness is going to be a challenge because we do not have a universal definition of what college readiness means. Our community colleges, our traditional state 4-year colleges, and our competitive private college entrance assessments vary greatly.

And while we aspire to have all of our students college-ready and/or career-ready, we have a train wreck coming in that definition. Thank you.

[The statement of Mr. Dale follows:]

**Prepared Statement of Dr. Jack Dale, Superintendent, Fairfax County
Public Schools, Fairfax, VA**

Overview

The mission of Fairfax County Public Schools (FCPS), a world-class school system, is to inspire, enable, and empower students to meet high academic standards, lead

ethical lives, and demonstrate responsible citizenship. FCPS believes that each child is important and entitled to the opportunity to realize his or her fullest potential, and that a well-rounded education enables students to lead fulfilling and culturally rich lives.

Fairfax County students achieve at high levels across a broad spectrum of pursuits. FCPS values a well-rounded education that goes beyond basics, and encompasses the arts, literacy, languages, technology, and preparation for the world of work. FCPS provides a breadth and depth of opportunities to allow all students to stretch their capabilities. More than 93 percent of FCPS graduates go on to postsecondary study—including more than 62 percent to four-year colleges. The on time graduation rate is more than 90 percent.

FCPS is the largest school system in Virginia and the twelfth largest in the United States. In the 2009-2010 school year, more than 173,000 students are served by 22,137 staff members in 197 schools and centers. Fairfax County is home to more than a million residents and reflects an increasing level of cultural, economic and linguistic diversity. Fewer than 47 percent of FCPS students identify themselves as White; 18 percent Asian American; 18 percent Hispanic; 10 percent African American; and 6 percent Multiracial. While the county is often viewed as having wealth and resources, it also has the highest cost of living in the state. In the current school year, more than 39,000 FCPS students are eligible for the Federal Free and Reduced-Price Meals Program (FRL), a nationally recognized benchmark indicating poverty.

Fairfax County's critical issues include a rapidly growing population, increasing diversity, primarily from immigration and resettlement, poverty, extreme income disparity, high mobility, as well as the recession, which continues to significantly impact our community. Decreased revenue at the county level has led to a decrease in the amount provided to FCPS, which relies on the county for nearly 75 percent of its funding. The budget crisis in the schools will impact a wide range of programs and services, in particular programs that impact low income and language minority students.

ELL

Currently in FCPS, more than 41 percent of PreK-12 students live in homes in which a language other than English is spoken (language minority students), with more than 140 different languages and 200 countries represented. Students come to FCPS from all over the world, with major groups coming from Central America (El Salvador, Guatemala), South America (Peru, Colombia, Argentina), Asia (Korea, Vietnam, China, the Philippines) and Africa (Somalia, Ghana). Some of the most recent arrivals include orphans from Haiti being united with families in Fairfax. Approximately half of FCPS language minority students (or 20 percent of the total FCPS student population) are also English language learners (ELLs—also referred to as limited English proficient [LEP] students). The FCPS ELL student population has more than quadrupled in the past 20 years.

Nationwide, ELLs are the fastest growing student population, and are projected to comprise more than 25 percent of the entire K-12 student population in the US by the year 2050. To prepare ELLs to be successful members of the 21st century global society, there is a need to articulate a clear national vision of high expectations for ELLs. This includes guaranteeing ELLs equal access to advanced academic programs, including Advanced Placement (AP) and International Baccalaureate (IB) courses, and college and career preparation programs. It is also necessary to provide ELLs with appropriate differentiated instruction and resource support to prepare and enable them to become successful in these rigorous academic settings.

It is important to include ELLs in accountability systems, to ensure that they are also being provided equal access to and quality instruction of content area standards. However, ELLs should be assessed with measures that are fair, valid, reliable, and appropriate for their current English language proficiency level while they are learning academic English. States should be given the resources to provide those appropriate alternative assessments for ELLs, especially when assessing literacy.

Research demonstrates that it can take five to seven years to acquire the type of academic English necessary to be academically successful. Since ELLs' educational background varies greatly, their academic achievement and English language proficiency should be assessed using multiple measures, with a focus on their progress and growth over time. ELLs who enter US schools during the secondary level should be provided with additional time, as necessary, to fulfill graduation requirements without penalizing schools through the accountability measures.

ELLs development of English, as well as the knowledge of their home language, should be promoted and cultivated so that they can learn to communicate in two or more languages to enhance their ability to be successful participants of the global

economy of the 21st century. Innovative models of providing high quality, successful, rigorous, and challenging instruction to ELLs should be promoted, rewarded and shared nationwide as demonstration models. ELL student populations are growing most rapidly in areas around the country that previously did not have ELL populations. Therefore, all instructional personnel need pre-service and ongoing in-service professional development on successful, research-based strategies for working with ELLs in the classroom.

IDEA

The underfunding of the actual cost of programs for students with disabilities at the federal level impedes services to all students. Federal funding for IDEA has not been brought to the level deemed appropriate when PL 94-142 was enacted in 1975 to help school districts maintain quality in special education and slow the drain of funds for services to students who are not disabled.

IDEA requires that services mandated in each student's IEP must be funded. These services in the IEP cannot be cut when budgets are tight, so cuts to other students go a little deeper. Even in good times, there is real budget tension between special education and general education. Only additional funding or regulatory relief can ease the budget tensions and help school districts deal with shortfalls in state and local revenue as a result of the recession.

Currently FCPS serves 24,502 students with disabilities through IEPs. Of particular concern is that while the number of students with mild disabilities has increased only slightly, the number of students with severe disabilities has increased significantly. These students receive more than 50 percent of their education in self contained settings. The number of students with significant disabilities has risen by 12 percent. In the area of autism alone, there has been an increase of 413 students from 2007 to 2009. The cost to educate these students can be in excess of \$10,000 per student in addition to the general education per pupil cost. The services are IEP-driven and are mandatory requirements of a law that is funded at approximately 15 percent of the cost to the district. Stimulus funding through the IDEA created some partial support in this area but with the loss of this funding in FY12, the education services to all students will be compromised. Permanent funding must be found to close this gap.

Assessment Requirement

The testing requirements in IDEA and NCLB initially produced results which were not useful in planning individual or group instruction for students with disabilities who function at low to very low cognitive levels. The tests based on the federal requirements measure proficiency based on long lists of grade level standards but are not connected to a clear objective, like readiness for the next grade, or college/career readiness. These laundry-list tests were clearly not suited for students who function at a very low level.

This resulted in the adoption of the one percent rule, which helped to ensure that the information coming from tested students would be a more accurate reflection of overall student performance. However, the many standards and the lack of internal connectivity among the standards still resulted in tests where students functioning at lower cognitive levels, but not the lowest, faced few items they could answer, leaving the assessments unreliable for these students as well. The United States Department of Education came up with a two percent rule to deal with inaccurate and unreliable tests for this next tier of students. The two percent rule has not been easy to implement because federal rules still insist on standards rigidly tied to grade levels and because of the lack of appropriate assessments designed to address the continuum of cognitive functioning. Virginia created the Virginia Grade Level Assessment (VGLA) in an attempt to respond to the two percent challenge. While a step in the right direction, the VGLA has not proven adequate. In fairness, no assessment will be adequate until federal requirements permit adaptive assessment and until there are fewer, clearer standards that build step by step to a logical measurable end, like college and career readiness.

Assessment provides a valuable staff development opportunity. Teachers learn more, and schools improve when they are provided time to sit down and analyze the data from these assessments with their teams. They work together to apply what they have learned from the analyses to formulate plans to bridge the gaps on student achievement

Funding

All of these accountability programs and assessments have a direct and substantial impact on local resources. The estimated local cost to FCPS of the underfunded federal programs is listed below:

- IDEA—\$43 million (would have been nearly \$62 million without stimulus)

- NCLB—\$16 million
- ELL—\$51.5 million
- Homeless—\$112,000 for staff (not including additional classroom resources) and \$500,000 in transportation costs covering taxis, buses, vans, and gas and smart trip cards.

Additionally, FCPS is eligible for greater Impact Aid under current allotment formulas than is received. However, because Impact Aid is not fully funded, school divisions like FCPS that have large overall operating budgets relative to their Impact Aid eligible population receive proportionately fewer Impact Aid dollars. If fully funded according to the federal definition, FCPS would receive \$15.8 million in Impact Aid; instead of the \$3.5 million received in FY 2009.

Looking to the Future

Assessment can and should improve, and we have many of the tools necessary to improve these tests. Performance assessment and adaptive assessment have made huge strides in reliability and validity since the adoption of No Child Left Behind. The new ESEA and then the new IDEA must permit the use of these more accurate assessments. Educators want to improve accuracy by measuring growth or progress over time. Time can be measured by grade level or by years in school, but there must be a beginning point for each student that is accurate and tracks over time. Such measures require a clear end target and equally clear steps and benchmarks along the way.

Assessment must move from a once a year event to a regular occurrence that is built into the learning experience. Results must be available within hours, not months, and the results must be individualized. School districts must also be permitted to include valid and reliable assessments they develop or purchase along with required state assessments to provide a more complete picture of student achievement in the aggregate and for individual students. Then the two percent rule could be eliminated because the continuum of cognitive functioning will be accommodated in the assessment design.

More importantly every high scoring country internationally is using high-quality performance assessments. No country that scores high on international benchmarks like the Programme for International Student Assessment (PISA) or Trends in International Mathematics and Science Study (TIMSS) is using the type of tests required by IDEA/NCLB to improve schools or to measure student achievement, so why are students in the US left using the Model T version of assessment?

Standards must improve too. States now have long lists of standards for each tested grade level. These standards exist in isolation from each other and do not include internal steps or benchmarks that would inform students, parents, teachers, and administrators about student progress. Fewer, clearer standards that build to an easily understood and measured end point such as college and career readiness are a must if students are to have a clear road map to success. In particular, special education and ELL students and their parents need that map to plan their futures.

Students who do not speak English well enough to take a content test in English are also disadvantaged by the requirements of IDEA/NCLB and by the rules established by the US Department of Education to implement those programs. At some point on the continuum of mastery, a student's content knowledge can be accurately assessed in English. Until they get to that point, there are too few items on current tests to accurately and reliably gauge their academic achievement—the content tests simply become a measure of their comprehension of the English language. The rigid rules about time in school assume a uniform rate of learning English which is not consistent with what we know about student language mastery. There must be some flexibility in determining readiness for content-level testing and then the assessments themselves must be improved to give students the best opportunity to demonstrate their content knowledge.

Instead of choosing assessments based on what is educationally sound and best for our students, the assessments being used appear to have been chosen largely based on their cost. State of the art testing will require new resources, and those resources must come from the Federal Government. We cannot require states and localities to use of high quality assessments without making the resources available to implement them properly. Our students need and deserve these changes to stay competitive in our dynamic global economy.

Chairman KILDEE. Thank you very much.

I want to thank all the witnesses for their testimony and will now proceed with the question-and-answer period of the hearing.

The presentations were very clear, and they provoke some good questions from ourselves, too.

I recognize myself first for 5 minutes.

President Gipp, one of the important messages in your testimony is the significance of tribal consultation. I have been a longstanding advocate of native students and understand the importance of including tribal leaders in decisions that affect their students.

Can you talk more about the challenges tribal leaders face in this area and how we can ensure that the needs of native students are properly addressed and just not sometimes forgotten? For example, I think in the Race to the Top and in the state fiscal stabilization fund, by omission, you were not included.

What can we do to make sure that when we have special programs, which made a great difference in many school districts in many states, that you are not ignored in that, but that you can see how you can be included in those special programs that the president initiates?

Mr. GIPP. Thank you, Mr. Chairman. Indeed, you are correct that there has been a major oversight of tribal communities and tribal nations with respect to Race to the Top and those kinds of opportunities, and our communities have been completely left out.

So I think it would be incumbent upon the executive branch to take a look at how they can formulate some of those or reformulate some initiatives that could be made available to tribal governments and tribal communities.

The second thing is to look at how we might also look at a special initiative enabled by Congress itself so that those communities can be included in terms of appropriations and directives to the administration to include tribal nations.

But more importantly, as you mentioned, the issue of tribal consultation is a very, very critical thing that needs to be ongoing, and it needs to be part and parcel to how the Department of Education and other federal agencies conduct themselves with respect to tribal governments who do have this nation-to-nation relationship with the United States government.

Chairman KILDEE. And I think you are very correct. You know, I have read many of the treaties. And very often, we fail to recognize that there is a direct relationship of government to government between the federal government and your tribal government.

I always, particularly with the younger Indians, point out that I have, for example, two citizenships. I am a citizen of the United States, and I am a citizen of the state of Michigan. You and other Native Americans have three real citizenships of sovereign entities. You are a citizen of the United States, and that is been proven by the number of Indians serving in our armed forces. You are a citizen of the state. And you are a citizen of your tribe.

And you have rights and responsibilities that come from those citizenships. And I think we have to make sure we don't by omission fail to carry that out, because sins of omission can be as damaging as sins of commission.

So I appreciate your comment on that.

Now I will recognize the governor for 5 minutes.

Mr. CASTLE. Thank you very much, Mr. Chairman.

And let me thank all of you. I think your testimony is wonderful, and I can't get to all the questions I have, so I apologize for that. But I am going to start with a question and go along with Dr. Dale, Dr. Curry and Dr. Kearns, and that is the whole issue of adaptive testing, which we are about to adopt in Delaware for next—or have adopted, I guess, for next year, in terms of computer testing that can go up and down, give instant results, and that kind of thing. And you mentioned it in your testimony, Dr. Dale.

But I would be interested in your thoughts about that on a broader sense. I think the whole business of assessments is going to be a vital question. And however we redo the Elementary and Secondary Education Act, and I don't know what your experiences with it has been or what your thoughts about it are, but I would be curious to hear about that. And I also worry about the special populations and their ability to be able to handle that kind of testing, too.

Mr. DALE. You raise excellent questions. The assessments that we are looking at trying to put in place to supplement our regular standardized—standards of learning test in Virginia they are called—is—well, first of all, we are trying to put assessments in place that are informative.

You can assess weekly, monthly, whatever period of time to assess progress and intervene. It is to us not educationally sound to wait until the very end of the year to begin to do assessments that we should be doing that, so those kinds of adaptations, I want to say, should take place.

The other is to try and look at different methods by which children can demonstrate their competency. As I mentioned in my testimony briefly, we have instituted a portfolio assessment collecting artifacts of student work to demonstrate their competency, which is a different method than just a paper or pencil test to accommodate special needs children, and that is a piece that we believe strongly in continuing to research.

People question whether the validity and reliability of that kind of an assessment is comparable to a paper and pencil test, but those, I think, are research questions which we should continue to pursue and not dismiss, but we should do, as Ms. Kearns says, continue to pursue those, to make sure that we have equivalent methods by which kids with different kinds of needs and disabilities can demonstrate their competency.

Mr. CASTLE. Thank you.

Dr. Curry?

Mr. CURRY. And as you are aware, Congressman Castle, Delaware is making a move toward assessments of that ilk. We just this week finished our state test in our traditional time period in March. And almost immediately, we will go into field testing. A new assessment that will be used next year, that assessment will be Web-based. Most students will take it on computer. And there will be various forms available so that the student may take it more than one time throughout the year.

In that way, it helps inform the teacher so that they can adjust instruction and make changes to instructional needs based upon the students' performance and a formative level of the assessment.

So we are looking forward to this new opportunity to more accurately measure student progress. And I think it will be good for all the children of Delaware.

Mr. CASTLE. Ms. Kearns?

Ms. KEARNS. Thank you, Ranking Member Castle, for that question. I think that is a really important one that both Dr. Dale and Dr. Curry pointed out, that they still use their state tests as the demarcation of the standard, and I think that is really important.

We want kids with disabilities, particularly, to have access. We want to know where the standard is. We want to know what the achievement standard is for all kids. And both of my colleagues here have mentioned that that was an important part.

Out of level tests or interim informative assessments in addition to that are absolutely fine, as long as they help teachers really up the expectations of what kids can know and can do, and I think we really want to keep that in our minds. We really want to help teachers understand what the expectations are and how to get kids to those higher levels of expectations, and that would be for all kids.

Mr. CASTLE. Thank you.

I want to ask the other side of the panel a question quickly. This is an education hearing, and I understand that, but it often, in terms of dealing with children who are underachieving and minority groups, or groups just coming to America, I worry about what is also happening at home. Are they being prepared to be educated, is there—in the encouragement of that and that kind of thing?

I am not sure in redoing the Elementary and Secondary Education Act we can address too much of that directly, but Ms. Diaz mentioned parents, and I think we are all very conscious of the family effect in terms of moving forward.

Your comments on anything that we should be thinking about doing, in terms of making sure that there is a recognition of the importance of education among all groups, but obviously those who are minorities or have English as a second language or some other barriers in terms of education?

Mr. WOTORSON. I think it is a wonderful question, Mr. Kildee—I mean, Mr. Castle. I apologize.

When the Campaign for High School Equity was first put together, we put out a document called the plan for success that specifically addressed that issue where we were urging policymakers to consider a variety of ways of specifically addressing how you, in fact, invest communities so that they can be better supported in terms of providing wraparound services so that there is more support in terms of how you involve parents in the education process.

It is something that we would—that I would say we agree with you on 112 percent, that it is something that should be invested in and to make sure that there is more support for kids outside of school.

Ms. DIAZ. I would also agree. In my experience, it is very doable and it is just about being intentional about it. We have utilized Title 3 funding very carefully. And what we have found is that parents need to be educated, but they also need to be taught what things they could do at home, and they need to be talked honestly to and boldly.

In our Hispanic community, for example, the soap operas are in the evening, unfortunately, and Univision is very popular. That is a total contradiction of what we need as educators for them to spend their time and in the evenings.

We need to explain that to them. It is just something that us as educators need to hold on and embrace and say—and expect them not to spend their time doing that, but to turn off the TV and explain why that is important and then show them how to do so.

We have—I talked a little bit about how we are intentional about showing them strategies, and we do that—we try to do that with household, common household, you know, goods, for example, shaving creams. Most people have shaving cream at home. It is a wonderful tool to practice spelling words or sight words, for example, but you have to show them. If they don't know, they won't implement it.

But if you can explain what they can do, for example, and how to do it and then the results that their students will gain, it makes a remarkable difference. Every parent wants their child to succeed, and immigrant parents really have high expectations for their students. They do not want them to be cleaning hotel rooms and dishwashing in the backs of restaurants.

And if you can explain that in that way, the fact that it is an investment, it is a sacrifice at that point in time to be able to turn off the TV, but it is an enormous investment of their time, and if you show them, and if we teach them English, as well—part of our Parents Are Teachers program is helping parents learn English, as well.

So it can be done. You just have to be intentional about it. And Title 3 funding can be very beneficial to us as educators.

Mr. GIPP. Thank you, Ranking Member Castle. I would agree with both of the comments made by Mr. Wotorson and Ms. Diaz as to this special population.

I would also add that our tribes need the authority to develop their own measurements and standards. That is something that is always been lacking. We always say that the local community is a part of American pie and all of those kinds of things. That is not been the case historically with the Indian tribe and tribal populations.

I remember my own grandfather being told by the local superintendent of the reservation that, when he went home, he was not to speak Lakota in the home. He wasn't supposed to speak that to his children and likewise. This went on for many, many years.

And so we were always taught that we shouldn't be who we were. That, however, is not the case. We are who we are today. We have lost a lot of cultural value.

But on the other hand, it can be put back together because our tribes are still there, our children are still there, and they are intensely interested in knowing who they are by culture, by language and by history. And this is where our tribes need to have a voice when we talk about issues of accreditation, of standards, of measurement that have been totally left out of the picture.

And that is why it is so important to support tribal education departments, to support education standards, and a accreditation system that is responsive to who and what we are all about and help-

ing us build them from within the community, let's put it that way. There is more to say, obviously, about this.

Mr. CASTLE. Thank you.

Chairman KILDEE. Thank you very much.

The gentleman from Virginia, Mr. Scott?

Mr. SCOTT. Thank you. Thank you, Mr. Chairman.

Mr. WOTORSON, your organization is a coalition of civil rights groups. Do I understand that correctly?

Mr. WOTORSON. Yes, sir.

Mr. SCOTT. The achievement gap—in many areas, there is a very clearly identifiable, ethnically identifiable achievement gap where children of one group are educated to the 10th grade and children of another group are educated to the 12th grade. Does that violate the principle in Brown that the children—the minority race is being denied an equal educational opportunity?

Mr. WOTORSON. I think in many ways it is reflective of the unfinished legacy of Brown. On the one hand, Brown intended to ensure access, but it never ensured equity. And as you rightly point out, we are faced with a situation of a real hyper-concentration of a number of problems that affect low-income and minority students in equitable access to critically important educational resources, access to oftentimes the most ineffective teachers, just a whole range of things that, at the end of the day, do, in fact, have the effect of denying them a high-quality education.

Mr. SCOTT. And there has been the—in the litigation over disabled children 30 years ago, it was concluded that the localities had the responsibility of educating special ed students and cost could not be a defense, is that right?

Mr. WOTORSON. That is my understanding.

Mr. SCOTT. Now, one of the elements of the achievement gap is the dropout rate. When we started No Child Left Behind, we put in there—there is legislation that they had to consider dropout rate. Otherwise, you would have a perverse incentive, letting people drop out to drop from the bottom. The more people drop out, the higher your average looks, that you had to offset by dropouts—unfortunately, we left it up to the states to figure out what dropout meant, and by the time they finished, it was a meaningless calculation.

Do you have a problem with leaving it up to the states as to how they count who drops out?

Mr. WOTORSON. Mr. Congressman, that is exactly why we have called for, at a minimum threshold, holding states accountable for student success and requiring states and districts to report on how well they are doing in terms of moving students towards graduation.

Mr. SCOTT. Now, the name of your organization is Campaign for High School Equity. Did you find as a finding that the low-performing schools, in fact, got less resources?

Mr. WOTORSON. The finding has been established, actually, for quite some time that generally the lowest-performing schools have inequitable access to the same kinds of resources and that, more often not, students of color tend to be concentrated in those schools. Similarly, teachers with the least amount of experience tend to be concentrated in those schools, as well.

Mr. SCOTT. Dr. Dale, you represent one of the most diverse school systems in the nation. When you get your disaggregated data and notice that some groups are not achieving and there is, in fact, an achievement gap, you have a choice. You can just watch or you can try to do something.

And we have in the legislation kind of cookie-cutter steps. Do you do any diagnosis to find out what, in fact, the problem is and prescribe a solution to deal with that problem? Or do you just go through some cookie-cutter ideas, whether it fits or not?

Mr. DALE. We go through individual—let me respond in a couple things. One is to piggyback on the resource question.

The first thing we have done, regardless of Title 1 funding, regardless of IDEA funding, regardless of any state funding, even, is we distribute additional resources to our schools that have the greater needs, and our greater needs are defined three ways: underperforming, high poverty, English-language learners.

And so we—out of our own local resources—distribute an additional set of staffing and additional time for teachers to address that, so we—

Mr. SCOTT. That is in addition to Title 1?

Mr. DALE. In addition, well above Title 1. In fact, it is probably twice our Title 1 funding. Then, to diagnose issues in a given school, we expect our teachers and our principals to work on individual student needs. And so we get down to the individual student to determine why that student is or is not succeeding and provide the intervention. That is our quest.

Mr. SCOTT. Does it work?

Mr. DALE. We have many schools, in fact, where our disaggregation data would suggest that the white middle class is the underperforming class, interestingly enough. Yes, it works.

Mr. SCOTT. Good. Thank you.

And, Ms. Diaz, you have indicated that you can eliminate the achievement gap, and you also suggested that a comprehensive approach was necessary. What kinds of initiatives—you mentioned a couple of them—actually eliminate the achievement gap?

Ms. DIAZ. I think education within our educators is important. One of the things that we have tried to do is be very focused about our professional development.

We had a changing community. It was—the immigrant population came to the educators as a surprise. And being able to educate them was quite difficult at the beginning, so utilizing Title 3 funding to also educate the teachers in how to differentiate instruction for ELL learners.

The other thing we had to do was re-educate our English-language learner teachers. One of the thing I observed is that traditionally, our ELL teachers were seeing their role as what I call a mother hen syndrome, is protecting their ELL students and trying to do the best, but it was primarily tutoring services versus teaching content and teaching language acquisition.

So for the regular classroom teacher, being able to train them so that they could provide good teaching for ELL learners, as well, not just what I call the Crayola curriculum. Every student in every country knows how to color and they don't need a teacher to teach them that. They need to be taught content.

And the ELL teachers needed to see their jobs as—we need to also work with the regular classroom teachers, and we need to provide learning, not just simply tutoring and let me help you with your homework.

The combination of the two and working together so the ELL teacher understands what the classroom teacher is doing and vice versa and then working together collaboratively during our collaboration period, that is what they are looking—they are looking at the data, but what do they need to teach in both arenas? That has been very successful.

Ms. KEARNS. I would like to add that that is ditto for children with disabilities. When special ed teachers protect them, it is a lifetime ruin, so we really have to have access to the general curriculum. We have to have professional development. We have to have all of those things if the kids are going to meet the standard.

Chairman KILDEE. The chair now yields 5 minutes to the gentlelady from Illinois whose interest in education has been very deep, very broad. When she was a member of the state legislature in Illinois, she played a key role in the reorganization of the Chicago school district. And it helped turn that district around, and we are all very grateful to her for that.

Mrs. Biggert?

Mrs. BIGGERT. Thank you very much for those kind words, Mr. Chairman. And I would like to kind of address something that we haven't been talking about, but since we are addressing the needs of diverse students, I understand that several of you have excellent programs to serve homeless students. And I would wonder how much of an increase for services there has been since, obviously, the climb in the unemployment and the recession.

And, second of all, I am wondering about—and maybe introducing legislation which would allow Title 1 funds to be available for transportation for homeless students, which would then provide greater resources for the McKinney-Vento program. And I would like to know if your districts receive McKinney-Vento subgrants.

And maybe Dr. Dale or Dr. Curry, I think you both—

Mr. DALE. Yes, thank you for raising that question. Homeless children are an issue. Economic circumstances does increase that, as parents lose jobs and then children are left—or parents are left in trying to grab—migrate to wherever it is they might be able to live.

As we well know, the theory behind the McKinney-Vento act was to make sure that the stability for that child was then their school. And so when we do that, we obviously do increase transportation costs. And while we get funds to cover some of that, it is nowhere near the expenditures that we have in Fairfax County.

We used to spend in excess of \$5 million on transportation costs for homeless children, children who are foster care, which we have put in somewhat the same category of trying to provide stability. And while we redesigned some of our transportation processes, we are still in excess of \$2 million that we are spending to transport kids to give them that stable environment in their school. Any assistance in that area would be tremendously helpful.

Mrs. BIGGERT. Dr. Curry?

Mr. CURRY. And even rural areas are no stranger to issues of the homeless. We have a large transient population, and there is a lot of movement when jobs are lost to move back home often and move in with grandmother and grandfather at times, but sometimes that is not a possibility, as well.

So my district has invested a great deal. And managing the homeless, I don't have any numbers in front of me, but I do know that it is significant, and we do not, however, exceed the available money through McKinney-Vento, because everything we need has been made available.

Mrs. BIGGERT. Is there anybody else that would like to comment on that? No? Then I have one other question, and that is about, you know, the testing and the IEP. And I know that we had a hearing yesterday—and Secretary Duncan said that testing with the IEP rather than the general—that single test for those with severe disabilities, he thought, would be an option that he would like to look at.

And, Dr. Curry, you mentioned it, and then, Dr. Kearns, you seem to have a little difference of opinion on that, so—

Mr. CURRY. Yes, we need to move to measuring progress of all students, first of all. How much progress did we make and aim to—for those who are behind, to make more than one year's progress? And so overall, for all children, movement to assessments that identify progress and movement to assessments that identify progress so that we can also reward teachers for helping bring about student progress is important.

And when it comes to special needs populations, when appropriate, their IEP will dictate, will tell you that they should be held accountable to the same assessments, but at times that maybe it won't be appropriate, and I think that needs to be taken into consideration and measure of every child's progress is critical.

With such a specialized program for a special needs student, you have a lot more information to go on, on whether or not that child is progressing.

Mrs. BIGGERT. Dr. Kearns?

Ms. KEARNS. Absolutely the IEP plays an important role. However, I would point out that Bruce is the classic example of a student who had an IEP, and the IEP team failed terribly. And it was only because the teacher had to figure out how to assess him for his alternate assessment, that she asked for assistance, and that is how he got his technology.

So I would say that absolutely the IEP is an important tool, but it is not an accountability tool. The other concern I have about using the IEP for that is that we really need parents and teachers to form partnerships. And my biggest concern about that is the inherent possibly resulting in litigation, and we really don't need to go there. We really need to reinforce parent-school partnerships.

But all kids need to be in the assessment and accountability system, and I think Bruce's example is the classic example of where IEP teams sometimes don't have all the expertise they need to make those important decisions.

Mrs. BIGGERT. I see it as a very sensitive issue that we will really have to look at. Thank you both. I yield back.

Chairman KILDEE. We have been told that we may have a vote in about 10, 15 minutes, so we will have to move along as quickly as possible because coming back after a series of votes would take over an hour, so we will try to move along.

But the gentleman from Puerto Rico, Mr. Pierluisi?

Mr. PIERLUISI. Thank you, Mr. Chairman.

I would like to extend my own welcome to the witnesses, particularly Ms. Diaz, who I understand was raised in Puerto Rico. I am glad to see, Mr. Chairman, that my fellow Puerto Ricans are contributing to the general welfare of the great state of Michigan. [Laughter.]

Chairman KILDEE. We appreciate your generosity in sharing.

Mr. PIERLUISI. Welcome, everyone. Today's hearing addresses educational issues faced by a range of diverse learners. Because I have only a brief period of time, I want to focus my questions on the needs of English-language learners, which are the fastest growing segment of the nation's school-age population.

How well our schools educate the students will dictate the future success of our nation. To meet the needs of English learners, our schools must provide not only highly qualified teachers of English as a second language, but also teachers who can teach the students in their native tongue.

Yet schools in Puerto Rico and in many states are having great difficulty in recruiting highly qualified, bilingual teachers certified to teach ESL and subject-specific classes in the student's native language. Due to the dearth of quality applicants, many teachers of English learners do not have the fluency for ESL teaching skills necessary to provide effective instructions to the student population.

As I see it, the need for high-quality bilingual education extends beyond the needs of English learners. We must prepare all students to work and succeed in the 21st century worldwide marketplace and to provide students in the United States with the same language skills already required of students in Europe and Asia. That is why it is important that high schools graduates of all background be able to communicate in more than one language.

I should say that, actually, I am impressed with your English, Ms. Diaz. I hope that my Spanish matches yours. But that should be the goal. I am talking now about Spanish, students who Spanish is their first language, but the same applies to other languages.

I would like now to just ask a couple questions. I know that timing is running.

Ms. Diaz, I agree with your recommendation that this should provide more professional development to teachers working with English-language learners. Have you found certain professional development programs to be particularly effective for teachers of English learners? Have you used teacher exchanges as a way for teachers to learn from other teachers and schools?

Ms. DIAZ. I have used a SIAP model, and that has been also very effective. I have trained all of our English-language teachers in the SIAP model within our district. I believe that colleges need to be doing a better job.

And I agree that we need to be focusing on the endorsements of teacher prep programs. Most of our colleges are moving away from

the bilingual model certification process to the ESL model and that the difference between the two is, if you are bilingually certified, you have to choose a second language to learn and be certified in. You have to show proficiency in a second language. In an ESL endorsement model, you do not have to know a second language.

So primary concern there really comes when you are working not only with new immigrant families that need that second language; I also find that there is a distinct difference between a teacher that has gone through the process of learning a second language and their ability to teach immigrant students and someone that has not.

And more importantly, with working with parents, if you have that second language, it opens the door very wide open to working with the parents and the success that it brings when you educate the parents. And you need that second language to be able to do so, so I am in complete agreement. [Speaking in Spanish.]

Mr. PIERLUISI. Oh, my goodness. She is good at that, too. [Laughter.]

And then, Mr. Dale, Dr. Dale, does your school district have a shortage of teachers of English as a second language? And what strategies for increasing the number of qualified ESL teachers do you have or are using? Any recruitment incentives, professional development? Can you elucidate on this?

Mr. DALE. We are actually blessed with not having a recruitment issue. And we focus on, in our English-language learning program, we have probably one of the nation's premier people in Teddi Predaris in knowing how to train our own teachers in how to best teach English, because that is—we have two areas to focus on.

I am going to reinforce the other bilingual component that you talked about. We have children from 200 different countries, 120 different languages, so there is no way we can do dual language. We just don't have that capacity.

So we focus on teaching all of our English-language learners English proficiency and monitor that through Title 3 processes and make sure that they, in fact, learn that and exit from the program within usually 3 to 4 years max.

The other piece that I want to note is that we have actually put in place our own goals to have all of our children conversant in at least two languages upon graduation, because we do also think that that is important.

Now, 40 percent of our kids go home every night where English is not the primary language, so we have a benefit of having bilingual, trilingual students already, but we want to make sure they are extremely proficient in English, because that is our mission, and then also pick up another language to be part of the world.

Mr. PIERLUISI. Thank you.

Chairman KILDEE. Thank you very much.

The gentleman from Pennsylvania, Mr. Platts?

Mr. PLATTS. Thank you, Mr. Chairman.

I first want to thank each of our witnesses for your testimony and, maybe most importantly, for your shared commitment to our nation's children and working to make sure we do right by all of our nation's children. That comes through loud and clear.

First, just a comment, I guess. Dr. Curry, you talked about your concerns with rural school districts. And my oldest sister, who taught for about 20 years, for a number of years taught in west Texas, where kindergarten to 12, her school had—the entire district had about 100 kids. She was the English department for seventh through twelfth grade. Her graduating class, the one year I visited her, was four.

So your comment of one student, you know, impacting dramatically in that assessment, I think, is something we need to be very conscious of in assessing how the school district, the school building, which was all one, or the teachers are doing in the classroom.

Ms. DIAZ, I wanted to specifically ask you—you emphasized the importance in your original testimony and in answering questions about the family involvement, and I share that completely. Danny Davis and I have sponsored legislation, Education Begins at Home, about trying to help promote parenting education programs, nurse family partnership and others.

But specifically in the area of literacy, in your area in Michigan, if Even Start—is there an Evan Start program in your area? Are you familiar with it? And how do you see that working in trying to promote family literacy that then helps the parent at home?

Ms. DIAZ. In our county, we have implemented a similar program called Bright Beginnings. And they are very similar, as far as foundational beliefs and philosophies, and that—we have a representative stationed in our district to work with parent 0 to 5 and performing play groups in our schools. It is a great feeder program, and it focuses on literacy skills.

They go to the home for home visits and they also bring the families into the schools. We have a—we are very fortunate to have a bilingual Bright Beginnings representative within our district, and she works collaboratively with our district to provide not only literacy skills, but the content that we would like her to focus on, as well.

She is also part—I mentioned the family night, the reading night, math night. She is part—actively a part of those nights. And she brings the families into those activities and provides them in Spanish, as well.

Mr. PLATTS. Sounds like your district's really on the ball, as far as the importance of that 0 to 5 years and combining the literacy with just the broader education skills or foundation through the parents.

Ms. DIAZ. Extremely important to start them out as soon as possible.

Mr. PLATTS. Yes, thank you.

Dr. Gipp, you emphasized the importance of Native Americans in the classroom with Native American students. Is there a percentage today that you are aware of what percent—if you are familiar with those numbers—that are Native American teachers and tells us kind of how far we need to get, if we place a greater emphasis here?

Mr. GIPP. Well, within the tribal communities, it still is very, very small. We are lucky to have 5 percent to 10 percent of our teachers in our school systems, sometimes as high as 20 percent,

that are teachers in a given school system. But it will vary from one school and one tribe to the next.

Again, a large percentage of our students are educated in public school systems, so there are fewer teachers there, so we have a major need to redevelop and put forth a teacher initiative to teach and train more people to become—Native Americans to become teachers.

Many in the past have already retired, and so it is very important to bring in teachers that also have the cultural identity and the teaching of native heritage within the curriculum as we develop these systems.

Mr. PLATTS. Yes, I think well stated. Thank you.

And I am going to try to squeeze in one last question, Dr. Dale. When you talked about the assessment—and if I understood your statement correctly, you said a standard assessment across the country. And usually we hear local control, not top-down, but bottom-up. And did I understand you correct?

Because one of my concerns is we are incentivizing—this goes to the competitive grant process, also, that Dr. Curry referenced, that we are going to incentivize or give more and more money—in fact, most of the increase is in the competitive grant category, not in Title 1, not in IDEA, but through competitive grant, which I think is a point that Dr. Curry made that was important, but also in how you do the assessment, if you do a regional, statewide—or a regional approach versus a state doing their own assessment, you are disincentivized from doing your own. Can you clarify where you are on that?

Mr. DALE. I think I misspoke, because I remember the words I said. What I believe is that we should have a set of national standards, and I think the local assessments in how to get there are still fine, because I think we have a sophistication in the assessment industry now to be able to do cross-state comparisons if we can agree on a set of standards.

And my quest would be to make sure that those standards are globally competitive, as well.

Mr. PLATTS. Okay, so but still national standards that, in essence, we are setting here?

Mr. DALE. I think the notion of trying to get all of the states to agree upon a set of standards is a positive direction to go, because our kids are so mobile now—

Mr. PLATTS. Yes.

Mr. DALE [continuing]. We do them a disservice to not having some kind of assurance.

Mr. PLATTS. If it is more that cooperative state approach versus a national—meaning us—

Mr. DALE. Yes, I would agree. Thank you for—

Mr. PLATTS. So thank you, Mr. Chairman. I yield back.

Chairman KILDEE. Thank you.

The gentleman from Colorado, Mr. Polis?

Mr. POLIS. Thank you, Mr. Chairman.

Access to quality early childhood education is a very important strategy if we are to improve the educational outcomes of at-risk students and if we are ever going to truly succeed in making Amer-

ica a leader in college graduates by 2020, which is the goal that President Obama has set for the nation and I strongly support.

I wanted to give you the chance—since it wasn't covered in the testimonies—to address some of the severe inequities the low-income and other at-risk students face before they even enter the classroom in kindergarten. Lacking adequate preparation, these students are already behind before they even set foot in a public school environment.

I would like to open it up to see who would like to discuss the role of expanding access to high-quality early childhood education, especially for low-income students, as part of systemic school reform and any recommendations you might have in that area within the context of ESEA reauthorization.

Yes, Dr. Curry?

Mr. CURRY. Quality early childhood, pre-kindergarten opportunities ought to be generally available to all students. I think some states have done a better job of opening up access so that all children as 4-year-olds can have the opportunity for school.

But it is something that I have no doubt as an elementary educator initially that that early intervention is critical, and that is the—without that, that is, indeed, part of the deficit that many children come in the door with, is that they didn't have the same opportunities. So that needs to be strengthened. It would be helped with some federal dollars to help support that.

Mr. POLIS. Ms. Diaz?

Ms. DIAZ. I would encourage partnership. There is a lot of early childhood programs. Bright Beginnings is one I have mentioned already. Head Start is also stationed within our district. We have a strong preschool program with the Great Start Readiness Program, and we have all-day kindergarten.

With our immigrant population, that has become very effective, as well, and all-day, everyday kindergarten program. That solid foundation between Bright Beginnings, Head Start, pre-school, and all-day kindergarten has brought incredible results.

Mr. POLIS. Okay, yield back.

Chairman KILDEE. Thank you very much.

The gentlelady from California, Mrs. Davis?

Mrs. DAVIS. Thank you, Mr. Chairman.

Thank you to all of you for being here.

I wanted to focus on the diversity of the teaching force for a moment. According to the Department of Education statistics from 2007 and 2008—and may well be quite aware of this—83 percent of public school teachers were white, 7 percent Latino, 7 percent African-American, and overall, 75 percent were female.

So we have a problem. There aren't enough Latino and African-American teachers, but particularly male teachers for a diverse teaching force.

The Washington Post ran an article last summer basically talking about the fact that young male African-American students really don't feel that they belong in a classroom. Interestingly enough, it doesn't affect the young women quite as much, because at least they have a female model, even though it may be an Anglo model in the classroom.

And I wonder if you could speak a little bit to this issue. I actually was on the board of San Diego Unified from 1983 to 1992. And at that time, we created the African-American Male Project, which recognized that it was impossible to put—to have a teacher in every classroom, but if we could group students and at least they could have a benefit of a really good and strong role model.

What is—you know, from your experience, how really as we move forward with the new authorization, what is it that you would like to see there that the Department of Education could be doing to increase that kind of diversity?

Mr. DALE. I would like to jump in on that one, because I share with you—and I would add into the mix the shortage of Asian teachers in general, male and female both, is a very underrepresented group.

I think the incentive in the pipeline is there are a lot of people who entered education with various incentive programs several decades ago that no longer exist, but I think that is the key piece. The other ones are new teachers for America programs that actually go out and overtly begin to recruit underrepresented groups of individuals.

And the final piece that we need to pay attention to is our workforce is changing, and we are now experiencing people with multiple careers. And so it is not just the college area, but it is out of the general workforce where people are now wanting to come into to education. So we have to have our sights on not only recruiting in the pipeline and through college, but also as people are changing positions in their own careers and lives.

Mrs. DAVIS. And as a few more, if you can respond—but, you know, I think intuitively, we know how important this is. I don't know whether—do we have really statistics that show that it really does make a difference in terms of the performance of young African-American males, for example, or other groups?

Mr. GIPP. I was just going to say that teacher training initiatives are a major priority for us with respect to tribal and Indian communities across the nation. We need to set a goal of recruiting at least 2,500 new Indian teachers in our systems alone, and that is probably the low side of it, out of the Department of Education's goal of 200,000.

And we need to reauthorize teacher training initiative for tribal colleges and universities that I was talking about earlier. And we need to have a tribal priority allocation for native teacher recruitment. We need to do very strong recruitment. If we don't, then, you know, nothing is going to move and nothing is going to happen. And I am not convinced that enough is being done across the board when we talk about these special populations, particularly with Native Americans.

Mr. WOTORSON. I would just say very briefly that the federal government can support the incentivizing process to ensure that we do, in fact, not only recruit more diverse teachers, but also to retain and support them.

As you well know, part of what we are struggling against is a perception in our country today that the teaching force is no longer an honorable or desirable profession. We have to figure out a way to reverse that trend.

Mrs. DAVIS. Thank you.

Mr. CURRY. And if I could add, continue to support alternative routes to education. My community is—even though it is a rural community, we are 25 percent African-American, we struggle just the same, of getting enough good role models. Many times we get them from the military. We continue also to support ways to get, you know, troops into the classroom after their retirement after they do their term.

Mrs. DAVIS. Thank you. My time is up, but if I might just say, I am very interested in the evaluation process that we are talking about in the new reauthorization. If you have some ideas or thoughts about that, I would certainly welcome how we can do a better job of incentivizing school districts and schools to have good oversight in terms of principal evaluations, as well as teachers.

Thanks a lot.

Chairman KILDEE. Thank you.

The chair now recognizes the gentlelady from California, Ms. Chu.

Ms. CHU. Thank you, Mr. Chair.

Ms. Diaz, I just wanted to commend you on your collaborative model in your district, especially as it pertains to English-learner students. Since I have so many in my district, I was very, very interested in that. And I was impressed by how you include every stakeholder, including teachers, who are able to have input into the process.

Now, my question pertains to assessment. According to No Child Left Behind, English learners were supposed to be given tests that were appropriate for them, but we had a problem in California and continue to have it, where English learner students are given the mainstream English language assessment test the moment they walk in the door.

And, of course, the students don't understand it, they fail miserably, and that is their first experience with the school. I am wondering how you dealt with the whole assessment issue.

Ms. DIAZ. In Michigan, we have two tracks for assessing English-language learners. We are testing them, their language acquisition knowledge, with LVA, and we are also assessing their content acquisition with the regular state assessment, the MEAP.

We have provided 9 months of reprieve for new immigrants that are coming to the states for the first time. And we are grateful for that. We do feel that as they increase in grade levels, it does become more difficult for the students to not only acquire the English language, but the content level that is required.

And so 9 months is not quite enough, if you come in as a brand-new immigrant to—as a sophomore, for example, in a high school and are expected to know all the content area that goes along with that. And so it is a challenge, and the modifications that would be required would probably be more time, granting them more time to be able to acquire the language and then, also, of course, the content.

It is important. We do our best, and it is difficult, and we have to have high expectations, because we—I also see it as a delicate balance for educators to also get a little lazy with that time period that we would give them as time to acquire, so there needs to be

a delicate balance between making sure that during that time effective teaching is happening and that we are not sheltering them and mother-henning them, as I explained earlier, but also utilizing that time very effectively to maximize their language acquisition learning.

Ms. CHU. Are you giving them the same test—does every student get the same test? Because an alternative would be a test that may be more appropriate for them.

Ms. DIAZ. Yes, they do have the same test. There are some modifications that we can—standard modifications that we could utilize for ELL learners. And, again, we appreciate that, but there could be more.

Ms. CHU. And do you do those modifications to the assessments?

Ms. DIAZ. Yes. Yes. We absolutely utilize every modification that we are provided with.

Ms. CHU. Dr. Dale?

Mr. DALE. In Virginia, we have an alternative assessment that was not only able to be used for special needs, but also our early English-language learners in the assessment of reading competency or literacy competency, really. And so we basically had an alternative assessment available for the first 2 years of their English-language learning, and they were able to demonstrate literacy competency versus trying to—test could just become an English-language vocabulary test if it is not done in an alternative manner.

So we were able to do that during those first 2 years, and then they moved into the regular assessment.

Ms. CHU. And what was the benefit of doing it that way?

Mr. DALE. The benefit of doing it that way was to allow our children to demonstrate literacy competency while still recognizing they are still learning English. And they on the human side of it could recognize that, oh, I actually know what is expected, and so allow that kind of growth and development to continue to occur, instead of discouragement that you were speaking of.

Ms. CHU. Right. And, finally, Ms. Diaz, you emphasized parental involvement. The California Association of Bilingual Educators brought to my attention the elimination of funding in the president's budget for parental information and resource centers. They use the funding extensively to help ELL parents in California become involved in the school system. What impact does this funding elimination have on your school district's ability to engage ELL students? Or where did you get the funding to involve the ELL parents?

Ms. DIAZ. We utilized Title 3 immigrant funding and limited English proficient funding for our parent involvement. We have had this Parents Are Teachers program for about 10 years now, and it has always come from the Title 3 funding.

With the immigrant funding, this year, we added the before-and-after-school tutoring. What is unique about that is that we have the regular content teachers re-teaching the content for the students, and that is very critical.

You know, our parent involvement has been a very strong part of our success in educating the parents. When they understand what they can do at home, they are empowered to really make those changes. They tell us that because of that, their lives have

changed, not just what they do routinely on a daily basis at home with what we have taught, but their jobs. They are much more successful citizens, as well. They have gone on to, you know, go on to college, get GEDs, get, you know, promotions at work to supervisory positions.

And so it empowers them as citizens, as well, when we can incorporate parental involvement.

Ms. CHU. Thank you.

Chairman KILDEE. Thank you very much. This panel has individually and collectively been very helpful to the committee, as we work our way through the reauthorization of this bill. I want to thank the staff for bringing together such a distinguished group, again, individually and collectively. It has been very helpful to us.

I love hearings, because you really get people who are expert in this, see this every day, and bring that expertise here to Washington, and so I thank you very much.

As previously ordered, members will have 14 calendar days to submit additional materials for the hearing record. And any member who wishes to submit follow-up questions in writing to the witnesses should coordinate with the majority staff within the requisite time.

Without objection and with thanks, this hearing is adjourned.

[An additional submission from Mr. Kildee follows:]

Prepared Statement of the Tribal Education Departments National Assembly

The Elementary and Secondary Education Act (ESEA) is currently up for Reauthorization and it is the most important federal law that applies to American Indian and Alaska Native tribal students. The ESEA currently has 10 Titles with multiple programs. Some are general programs, like the Title I Improving Basic Programs, and some are specific to Native Americans, like the Title VII Indian Education Act programs. Tribal students, whether they attend Bureau of Indian Education (BIE) funded schools or state public schools, are served by all of the ESEA programs. And, all of the programs could do more to help tribal students by recognizing a role, or by enhancing the role or roles, including in public school education, of tribal governments as sovereign nations. Tribal governments are a major untapped resource in education, and this ESEA Reauthorization needs to change that.

Over 200 of the over 560 federally-recognized tribal governments today have education agencies. Known as "Tribal Education Departments" (TEDs) or "Tribal Education Agencies" (TEAs), these tribal governmental agencies can help the non-tribal federal and state governments serve tribal students. TEDs / TEAs can assist with the most fundamental education improvement and accountability functions like data collection, reporting, and analysis. TEDs / TEAs can help in other areas as well, including the development of curricula, standards, and assessments; teacher training; research; and, specific local initiatives like truancy intervention, drop out prevention, and tutoring programs.

In particular, TEDs / TEAs are in a unique position to coordinate data on tribal students that is generated by various and sometimes multiple sources, including federal education programs, public school systems, states, and BIE-funded schools. For tribal students, this never has happened before; right now we can only imagine accurate and current tribe-wide, statewide, or nationwide data-based reports on tribal students. But if such reports were available, agencies and legislatures of all governments could make data-driven decisions regarding tribal students as they implement the next Reauthorization of the ESEA.

For the data roles of TEDs / TEAs to reach their full potential, the Family Education Rights and Privacy Act (FERPA) needs to be clarified by an amendment that includes TEDs / TEAs as being among the education agencies, authorities, and officials to whom protected student records and information can be released without the advance consent of parents or students. Such an amendment to FERPA would be consistent with the TED / TEA programs authorized by Congress since the ESEA

Reauthorizations of 1988 and 1994 and thus would bring FERPA up to date and in accord with the ESEA.

TEDs and TEAs in the ESEA

The current ESEA authorizes TEDs / TEAs in Title VII and Title X. Both Titles contemplate that TEDs / TEAs will coordinate education programs; develop and enforce tribal education codes, policies, and standards; and provide support services and technical assistance to schools and programs. Unfortunately, the funding authorized to support this work in Titles VII and X never has been appropriated. This Reauthorization should retain both TED / TEA program provisions, increase their funding levels to at least \$25 million, and strengthen them. Moreover, each ESEA Title needs to better connect TEDs / TEAs with states, public school districts, BIE-funded schools, and the various federal education programs that serve tribal students.

Title I: TEDs as SEAs, Increased Tribal-State Relations; and Teaching Tribal Sovereignty

Title I is and always has been the biggest ESEA program (over \$15 billion annually). State Educational Agencies (SEAs) can get Title I funds if they submit proper plans that address academic standards, assessments, and accountability; teaching and learning support; parental involvement; and reporting. In the development of these state education plans, which are a prerequisite for Title I funds; there is no specified role for TEDs / TEAs. This has severely limited or impaired the ability of TEDs / TEAs to work with SEAs. The following three recommendations should be incorporated into Title I:

1) TEDs / TEAs should be Authorized to Perform SEA functions within Tribal Geographic Territories

TEDs / TEAs should be authorized to perform SEA functions within significantly large tribal geographic territories that include a high percentage of tribal students served by Title I. For example, twelve Indian reservations are larger than the State of Rhode Island, and nine reservations are larger than the State of Delaware. Instead of being part of a state's Title I education plan, the TEDs / TEAs that serve these large tribal geographic bases should be allowed to develop a reservation-wide or a tribal-wide plan for Title I funds, which the TED / TEA should submit directly to the U.S. Department of Education. If the U.S. Education Department approves the TED's / TEA's plan, the TED / TEA should get Title I funds directly from the Department and perform the SEA services within the Tribe's geographic territory.

Presumably, not every TED / TEAs would immediately seek SEA status—some TEDs / TEAs are ready and willing to perform SEA functions immediately while others will take several years to develop the necessary capacity and infrastructure. For example, the TED / TEA of the Navajo Nation is already performing SEA-like functions on the Navajo Reservation and is currently working with the BIE to seek official designation as a SEA. Another TED / TEA that is seeking SEA status is that of the Oglala Sioux Tribe. But although the vast majority of TEDs / TEAs are not likely to seek SEA status in the immediate future, they should have that option when they are ready.

Where TEDs / TEAs do get Title I funds directly under an approved tribal-wide plan, TEDs / TEAs should have the option of sub-granting the Title I funds to the public schools that serve tribal students, or co-administering the Title I funds with the public schools, or even administering the Title I funds themselves.

These changes will connect Title I funds and programs with states and tribes. The recommendations may sound radical, but the fact is that the BIE-funded schools have long been able to administer Title I grants directly. And the most recent ESEA Reauthorization—the No Child Left Behind Act—went even further to allow TEDs / TEAs to set standards in BIE-funded schools and even accredit BIE-funded schools. The public schools, where 92% of tribal students go, now need these same kinds of options.

2) States should be Required to Meet with TEDs or TEAs as a Condition of Receiving Title I funds

In other instances, outside of significantly large tribal geographic territories, where there are TEDs / TEAs located within states, the ESEA should, at a minimum, require the SEAs of those states to identify the TEDs / TEAs, meet with them on a quarterly basis, develop joint strategies for improving education in schools with tribal students served by Title I, and jointly report on the results of such meetings to the U.S. Education and the Interior Departments as a condition of receiving Title I funds.

3) *Encourage or Mandate the Teaching of Tribal Sovereignty as a Condition of Receiving Title I Funds*

Yet another suggestion for the Title I program would be to encourage those states receiving Title I funds that have TEDs / TEAs operating within their borders, if they do not already have one, and there are five states that do—California, Maine, Montana, Oregon, and Wisconsin—to enact state laws that mandate the teaching of tribal sovereignty in their K-12 curriculum on a regular basis. If a state chooses not to enact such a law, TEDs / TEAs with students served by Title I funding must be allowed to develop such a curriculum mandate that the public schools must follow.

Titles II and III: Native Language Curricula and Teacher Certification

Twelve states—Arizona, Idaho, Minnesota, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oregon, Washington, Wisconsin, and Wyoming—now have laws that address tribal language curriculum and the certification of teachers for these curricula in their public schools. All of these laws acknowledge a role of tribes as sovereigns in the development and implementation of these laws. The Reauthorized ESEA should require the SEAs and the TEDs / TEAs in these states to jointly track the progress made in implementing these laws and their impacts on students, and to jointly report on these matters to the Department of Education and Congress. Further, the ESEA Reauthorization should authorize, at least on a nationwide pilot project basis, other states and tribes to enter into compacts or agreements for tribal language curricula development and teacher certification, and authorize appropriate funding to implement such compacts or agreements.

Titles VII and VIII: Tribal Eligibility or Increased Eligibility as Grantees

In the ESEA Reauthorization, for the Indian Education Act Formula Grant programs and for Impact Aid funding, tribes should be eligible or increasingly eligible to receive directly these funds, if a tribe has a TED / TEA and is willing to enter into a compact with a public school district to co-manage and co-administer these funds. For the most part, public school districts have not been willing to voluntarily agree to such arrangements, and thus the ESEA should allow the funding to go to eligible Tribes that then would be required to enter into cooperative agreements with public school districts.

Title IX: Definition, Tribal Consolidated Plans and Reporting, Tribal Waivers

1) *Definition*

The ESEA and other federal statutes at present have several different definitions of TEDs / TEAs which has caused some confusion. The following definition of TEDs / TEAs should be included in the next ESEA Reauthorization definitional section:

() Tribal educational agency

The term “Tribal educational agency” means the authorized governmental agency of a federally-recognized American Indian and Alaska Native tribe (as defined in 25 U.S.C. §450b) that is primarily responsible for regulating, administering, or supervising the formal education of tribe members. “Tribal education agency” includes tribal education departments, tribal divisions of education, tribally sanctioned education authorities, tribal education administrative planning and development agencies, tribal education agencies, and tribal administrative education entities.

2) *Tribes receiving ESEA funding should, like SEAs, be Eligible to Consolidate Administrative Funds eligible for Consolidation*

Currently, Part B of Title IX allows SEAs to consolidate administrative funds available in ESEA programs eligible for consolidation if the SEA can demonstrate that the majority of its resources are from non-Federal sources. TEDs / TEAs receiving ESEA funding should be able to consolidate administrative funds according to the same set of requirements.

Tribal students are served by programs funded from federal, private, tribal, and state sources. Potentially all of these programs contain funds to be used for administrative purposes. The authority of TEDs / TEAs to consolidate administrative funds received will reduce waste and ensure efficient program management at the tribal level.

3) *Tribes, Like SEAs, should be Authorized to Submit ESEA Consolidated Plans and Consolidated Annual Reports*

Currently, Title IX Part C allows SEAs to submit ESEA consolidated plans and consolidated annual reports. Consolidated plans include general information about each program and a single set of assurances applicable to each program. Consolidated annual reports replace individual annual reports for each program included

in the consolidated annual report. TEDs / TEAs receiving ESEA funding similarly should be eligible to submit consolidated plans and consolidated annual reports.

The purposes of Part C are to “improve teaching and learning, by encouraging greater cross-program coordination, planning and service delivery” and to provide greater flexibility through consolidated plans, applications, and reporting. No Child Left Behind Act, 20 U.S.C. §7841. For tribal students, the potential need for program coordination is particularly great. Authorizing TEDs / TEAs to submit consolidated plans and consolidated reports is consistent with the express purposes of Part C.

4) Tribes should be Eligible to Request Title IX Waivers for Public Schools within Tribal Geographic Territories

Currently, Title IX Part D allows for waivers by the Secretary of Education of ESEA statutory and regulatory requirements. Tribes are among the eligible entities that may request a waiver for tribally operated schools. The ESEA reauthorization should retain this option and extend the option for TEDs / TEAs to seek waivers of statutory and regulatory requirements for public schools at least within significantly large tribal geographic territories.

Such waivers have the potential to allow TEDs / TEAs the flexibility and local control needed to improve the academic performance of tribal students. Specifically, various reports and research show that tribal students generally perform better when taught using tribal language and culture. The Navajo Nation has requested a Title IX waiver to develop its own definition of AYP. Other Tribes could request waivers to develop their own standards, assessments, and curriculum to meet the unique cultural-academic needs and goals of their communities.

Conclusion

The drop out rate of tribal secondary and elementary students nationwide remains an alarmingly high 50%. All stakeholders that are affected by this dire statistic and other troubling statistics regarding tribal student academic achievement, test scores, and college readiness, stand to gain from enhanced roles of TEDs / TEAs in the ESEA Reauthorization. The recommendations in this report will result in crucial structural and programmatic changes and support to develop TED / TEA roles and capacity to better-serve tribal students.

[An additional submission from Mr. Miller follows:]

March 25, 2010.

Chairman GEORGE MILLER,
Committee on Education and Labor, 2181 Rayburn House Office Building, Washington, DC.

Re: *Supplemental Testimony for Subcommittee hearing on “Elementary and Secondary Education Act Reauthorization: Addressing the Needs of Diverse Students”*

DEAR CHAIRMAN MILLER: National Disability Rights Network (NDRN) staff attended the March 18, 2010 hearing of the Early Childhood, Elementary and Secondary Education Subcommittee on Elementary and Secondary Education Act (ESEA) Reauthorization: Addressing the Needs of Diverse Students” and offers this letter to supplement the record on the use of a student’s Individual Education Program (IEP) as in accountability tool.

Dr. Daniel Curry testified that one of the ways in which rural school districts could be helped in ESEA reauthorization would be to use a student’s IEP as an accountability measure under the ESEA. No other witness testified in support of this position. Dr. Jacqui Farmer Kearns testified that the IEP should not be used as an accountability tool, as that was not its intent. She also testified that if the IEP were to be used as an accountability tool it could result in an increase in litigation under the Individuals with Disabilities Education Act (IDEA).

NDRN strongly agrees with Dr. Kearns’ testimony that a student’s IEP should not be used as an accountability measure for ESEA purposes. The IEP lists a student’s current level of educational performance, annual goals designed to meet the needs arising from the disability, how progress is to be measured, and the services to be provided to the student. Therefore, even for students with the most severe disabilities, the IEP does not address all areas of a student with a disability’s education and does not serve as the student’s curriculum. Furthermore, the IEP is not necessarily grounded in any outside objective measure, such as the regular education curriculum. Thus, strong performance on a student’s IEP goals need not have any connection to progress in the general curriculum.

One of the benefits of the NCLB is the expectation that all students, including students with disabilities, are expected to learn. This was operationalized by requiring that all but a small percentage of students with disabilities be given the same assessments as all other students. This requirement allows us to know how students with disabilities are performing compared to their peers who do not have disabilities. It provides an objective way to determine how students with disabilities are performing on an outside measure of performance tied to the expectations for all students. It would be harmful to remove this critical, objective mode of comparison at this time, as students with disabilities, even those who should be expected to perform at grade level, continue to lag behind their peers who do not have disabilities.

There are other options within NCLB's current framework that could be utilized to more accurately measure how students with disabilities are performing on grade level content without removing them from the ESEA accountability system. For example, NCLB currently allows students with disabilities to take the same assessment which is given to all other students, but with accommodations as approved within an IEP. However, certain accommodations have been deemed to invalidate the test, even if the accommodations have been approved by the IEP team, are used by the student in all course work, and may very well be used by the student for the rest of his or her life. These restrictions should be lifted from any reauthorization of the ESEA to better enable students with disabilities to demonstrate their proficiency.

Finally, as Dr. Kearns testified, using the IEP as an accountability measure would increase litigation under IDEA. It is our experience that the ways in which a student's progress is measured are not the subject of IDEA due process hearings with any frequency. The primary issues raised in due process tend to pertain to the nature or amount of services being provided to a student, whether the student's placement is in the least restrictive environment, and other issues concerning the nature of the students program. If the IEP were to become the accountability measure, it would place this issue at the forefront of litigation. An increase in litigation would only divert resources from cash-strapped schools and increase tension between those schools and parents. Given the negative academic and financial consequences of using the IEP as an accountability mechanism, NDRN strongly advises against it.

Thank you for the opportunity to submit our views on this very important issue.

Sincerely,

RONALD M. HAGER,
Senior Staff Attorney.

[Whereupon, at 11:45 a.m., the subcommittee was adjourned.]
